



भारत का राजपत्र The Gazette of India

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सं. 9] नई दिल्ली, शनिवार, मार्च 1, 1997/फाल्गुन 10, 1918
No. 9] NEW DELHI, SATURDAY, MARCH 1, 1997/PHALGUNA 10, 1918

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (II) PART II—Section 3—Sub-section (II)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

विधि और न्याय मंत्रालय
(विधि कार्य विभाग)
(न्यायिक अनुभाग)
सूचना

MINISTRY OF LAW AND JUSTICE
(Department of Legal Affairs)
(Judicial Section)

NOTICE

नई दिल्ली, 3 फरवरी, 1997

New Delhi, the 3rd February, 1997

का.आ. 531.—नोटरीज नियम, 1956 के नियम 6 के अनुमरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री वीरेन्द्र कुमार अग्रवाल, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे मुरादाबाद जिला (उत्तर प्रदेश) में अध्यापक करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

S.O. 531.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority under Rule 4 of the said Rules, by Sh. Virendra Kumar. Advocate for appointment as a Notary to practise in Moradabad Distt. (U.P.).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[सं. एफ 5 (7)/97—न्यायिक]
एन.सी. जैन, सक्षम प्राधिकारी एवं
अपर विधि सलाहकार

[No. F. 5(7)/97-Judl]
N. C. JAIN, Competent Authority & Addl. Legal Adviser

सूचना

नई दिल्ली, 6 फरवरी, 1997

का.आ. 532.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री मुकुन्द सोमनाथ उपासनी एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे पुणे (महाराष्ट्र) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(18)/97-न्यायिक]

एन.सी. जैन, सक्षम प्राधिकारी एवं
अपर विधि सलाहकार

NOTICE

New Delhi, the 6th February, 1997

S.O. 532.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has made to the said Authority, under Rule 4 of the said Rules, by Sh. Mukand Somnath, Upassani Advocate for appointment as a Notary to practise in Pune (Maharashtra).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(18)/97-Judl.]

N. C. JAIN, Competent Authority & Addl. Legal Adviser

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 10 फरवरी, 1997

का.आ. 533.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा-6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए पंजाब राज्य सरकार की गृह और न्याय विभाग के अधिमूचना सं. 5/206/96-एच-IV/754 दिनांक 29-1-97 द्वारा प्राप्त सहमति से भा.दं.सं. (1860 का अधिनियम सं. 45) की धारा 302/201/436/427 के अधीन सदर पुलिस थाना खन्ना पुलिस जिला खन्ना (पंजाब) में दर्ज किए हुए मामला प्रथम सूचना रिपोर्ट 88/96 दिनांक 17-9-96 के अपराधों तथा उन्ही तथ्यों से उद्भूत वैसे ही संव्यवहार के अनुक्रम में किए गए उक्त अपराधों और किसी अन्य अपराध अथवा अपराधों से संबंधित और सशक्त प्रयत्नों, दुष्प्रेरणों या पड्यंत्रों के अन्वेषण के लिए दिल्ली विशेष पुलिस

स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तारण संपूर्ण पंजाब राज्य पर करती है।

[सं. 228/8/97-ए.वी.डी-II]

एस. सी. तिवारी, उप सचिव

MINISTRY OF PERSONNEL, PUBLIC
GRIEVANCES AND PENSIONS

(Department of Personnel & Training)

New Delhi, the 10th February, 1997

S.O. 533.—In exercise of the powers conferred by sub-section (1) of section 5 r/w section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 2 of 1946), the Central Government with the consent of State Government of Punjab, Department of Home Affairs and Justice (Home-IV Branch) vide Notification No. 5/206/96/5H/IV/754 dated 29-1-97 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of state of Punjab for investigation of the offences punishable U/s. 302, 201, 436, 427 of the Indian Penal Code 1860 (Act No. 45 of 1860) registered at Police Station Sadar, Khanna, Police District Khanna (Punjab) in FIR No. 88/96 dated 17-9-96 relating to the murder of S/Sh. Paramjit Singh Sahota, Satnam Singh and Bikramjeet Singh and for any other offence of attempt, abetment and conspiracy in relation to or in connection with the said offences committed in the course of same transaction or arising out of the same fact or facts in relation to the aforesaid case.

[No. 228/8/97-AVD.II]

S. C. TEWARI, Dy. Secy.

नई दिल्ली, 13 फरवरी, 1997

का.आ. 534.—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री सदाशिव नागोजी सरदेसाई, लोक अभियोजक, केन्द्रीय अन्वेषण व्यूरो को विचारण न्यायालयों में दिल्ली विशेष पुलिस स्थापना द्वारा संस्थित मामलों तथा किसी ऐसे राज्य अथवा संघ राज्य क्षेत्रों में जिन पर पूर्वोक्त अधिनियम के उपबन्ध लागू होते हैं, विधि द्वारा स्थापित पुनरीक्षण अथवा अपील न्यायालयों में इन मामलों से उद्भूत अपीलों, पुनरीक्षणों अथवा अन्य विषयों के संचालन के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[संख्या 225/1/97-ए.वी.डी-II]

हरि सिंह, अवर सचिव

New Delhi, the 13th February, 1997

S.O. 534.—In exercise of the powers conferred by sub-section (1-A) of section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Shri Sadashiv Naik, Senior Public Prosecutor Central Bureau of Investigation as Special Public Prosecutor for the conduct of cases instituted by the Delhi Special Police Establishment in trial courts and appeals/revisions or other matters arising out of these cases in revisional or appellate courts established by law in any State or Union Territory to which the provisions of the aforesaid section apply.

[No. 225/197-AVD. II]
HARI SINGH, Under Secy.

नई दिल्ली, 13 फरवरी, 1997

का.आ. 535.—केन्द्रीय सरकार एतद्वारा बंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 25 की उपधारा (1-ए) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री प्रभात कुमार को भारत के किसी राज्य अथवा संघ राज्य क्षेत्र, जिस पर पूर्वोक्त धारा के उपबंध लागू होते हैं, में मजिस्ट्रेट न्यायालयों के समक्ष दिल्ली विशेष पुलिस स्थापना द्वारा संस्थित मजिस्ट्रेट न्यायालयों में किसी मामले अथवा मामलों के वर्ग का संचालन करने के प्रयोजन के लोक अभियोजक, केन्द्रीय अन्वेषण ब्यूरो के रूप में नियुक्त करती है।

[संख्या 225/6/97-ए.वी.डी.-II]
हरि सिंह, अवर सचिव

New Delhi, the 13th February, 1997

S.O. 535.—In exercise of the powers conferred by sub-section (1-A) of section 25 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Shri Prabhat Kumar as Assistant Public Prosecutor, Central Bureau of Investigation for the purpose of conducting any case or class of cases in the courts of Magistrates instituted by Delhi Special Police Establishment in any State or Union Territory of India to which the provision of the aforesaid section apply.

[No. 225/6/97-AVD. II]
HARI SINGH, Under Secy.

वित्त मंत्रालय

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 14 फरवरी, 1997

का.आ. 536.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में, निम्नलिखित बैंकों के सूचीबद्ध कार्यालयों/शाखाओं को, जिनके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिमुचित करती है :—

क्रम सं.	बैंक का नाम	कार्यालयों/शाखाओं की संख्या
1.	सिंडिकेट बैंक	24
2.	इंडियन ओवरसीज बैंक	07
3.	यूनिटन बैंक आफ इंडिया	34
4.	कनरा बैंक	50
5.	स्टेट बैंक आफ बीकानेर एंड जयपुर	02
6.	सेंट्रल बैंक आफ इंडिया	01
7.	राष्ट्रीय आवास बैंक	01
कुल		119

[एफ सं. 11016/3/96-हिन्दी]

जी. आर. सुमन, उप सचिव

MINISTRY OF FINANCE
(Department of Economic Affairs)
(Banking Division)

New Delhi, the 14th February, 1997

S.O. 536.—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (use for Official Purposes of the Union) Rules 1976, the Central Government, hereby, notifies the listed offices/branches of the following banks more than 80 per cent of the staff whereof have acquired the working knowledge of Hindi :—

S. No.	Name of the Banks	No. of Offices/ Branches
1.	Syndicate Bank	24
2.	Indian Overseas Bank	07
3.	Union Bank of India	34
4.	Canara Bank	50
5.	State Bank of Bikaner & Jaipur	02
6.	Central Bank of India	01
7.	National Housing Bank	01
Total		119

[F. No. 11016/3/96-Hindi]
G. R. SUMMAN, Dy. Secy.

राजभाषा नियम 10(4) के अन्तर्गत अधिसूचित
की जाने वाली शाखाओं की सूची

List of Branches to be notified under Official
Languages Rules 10(4).

1. सिंडिकेट बैंक
सिंडीकेट बैंक,
नारावी शाखा,
मेन रोड, नारावी,
बेलतंगडी तालुका,
दक्षिण कन्नड़ जिला,
कर्नाटक राज्य,
पिन कूट-574 109।

1. SYNDICATE BANK
Syndicate Bank,
Naravi Branch,
Main Road, Naravi,
Belthangadi Taluk,
Dakshina Kannada Distt.,
Karnataka State,
Pin-574109.

2. सिंडिकेट बैंक,
चेडिया शाखा,
पैस बिल्डिंग्स चेडिया,
कारवार तालुक,
उत्तर कन्नड़ जिला,
कर्नाटक राज्य,
पिन कूट-581324।

2. Syndicate Bank,
Chendia Branch,
Pai Buildings, Chendia,
Karwar TQ,
Uttar Kannada Distt.,
Karnataka State,
Pin-581324.

3. सिंडिकेट बैंक,
कडथोका शाखा,
“पित्राछाया” बिल्डिंग
कडथोका, होन्नावर तालुक,
उत्तर कन्नड़ जिला,
कर्नाटक राज्य,
पिन कूट-581334।

3. Syndicate Bank,
Kadthoka Branch,
Pitrachaya Building,
Kadthoka, Honnavara TQ,
Uttar Kannada Distt.,
Karnataka State,
Pin-581334.

4. सिंडिकेट बैंक,
कडवाड शाखा,
श्रीनिवास कॉम्प्लेक्स,
पहली मंजिल, मेन रोड,
कडवाड,
कारवार तालुक,
उत्तर कन्नड़ जिला,
कर्नाटक राज्य, पिन कूट-581339।

4. Syndicate Bank,
Kadwad Branch,
Sreenivas Complex,
It Floor, Main Road,
Kadwad,
Karwad TQ,
Uttar Kannada Distt.,
Karnataka State,
Pin-581339.

5. सिंडिकेट बैंक,
गणेशगुडी, शाखा,
गणेशगुडी, उत्तर कन्नड़ जिला,
कर्नाटक राज्य,
पिन कूट-581365।

5. Syndicate Bank,
Ganeshgudi Branch,
Ganeshgudi, Uttar Kannada Dist.,
Karnataka State,
Pin-581365.

6. सिंडिकेट बैंक
गेरसोप्पा शाखा,
मेन रोड, गेरसोप्पा,
होन्नावर तालुक,
उत्तर कन्नड़ जिला,
कर्नाटक राज्य,
पिन कूट-581334।

6. Syndicate Bank,
Gerasoppa Branch,
Main Road, Gerasoppa,
Honnavar TQ,
Uttar Kannada Distt.,
Karnataka State,
Pin-581334.

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| <p>7 सिंडिकेट बैंक,
बिसगोड शाखा,
बिसगोड माइन्स,
मैसूर मिनरल्स लि.,
बिसगोड, यल्लापुर तालुक,
उत्तर कन्नड़ जिला,
कर्नाटक राज्य,
पिन कूट-581427 ।</p> | <p>7. Syndicate Bank,
Bisgod Branch,
Bisgod Mines,
Mysore Minerals Ltd.,
Bisgod, Yellapur TQ,
Uttara Kannada Distt.,
Karnataka State,
Pin-581427.</p> |
| <p>8. सिंडिकेट बैंक,
हल्दीपुर शाखा,
अग्रहार, हल्दीपुर,
होन्नावर तालुक,
उत्तर कन्नड़ जिला,
कर्नाटक राज्य,
पिन कूट-581327 ।</p> | <p>8. Syndicate Bank,
Haldipur Branch,
Agrahar, Haldipur,
Honnavar TQ,
Uttara Kannada Distt.,
Karnataka State,
Pin-581327.</p> |
| <p>9. सिंडिकेट बैंक,
भटकल शाखा,
नेहरू रोड, पो.बॉ. सं० 1,
भटकल,
उत्तर कन्नड़ जिला,
पिन कूट-581320 ।</p> | <p>9. Syndicate Bank,
Bhatkal Branch,
Nehru Road, P.B. No. 1,
Bhatkal,
Uttar Kannada Distt.,
Pin-581320.</p> |
| <p>10. सिंडिकेट बैंक,
किरवट्टी शाखा,
यल्लापुर तालुक,
उत्तर कन्नड़ जिला,
कर्नाटक राज्य,
पिन कूट-581412 ।</p> | <p>10. Syndicate Bank,
Kirwatti Branch,
Yellapur TQ,
Uttar Kannada Distt.,
Karnataka State,
Pin-581412.</p> |
| <p>11. सिंडिकेट बैंक,
शिराली शाखा,
मेन रोड, शिराली,
भटकल तालुक,
उत्तर कन्नड़ जिला,
कर्नाटक, पिन कूट-581354 ।</p> | <p>11. Syndicate Bank,
Shirali Branch,
Main Road, Shirali,
Bhatkal TQ,
Uttar Kannada Distt.,
Karnataka State,
Pin-581354.</p> |
| <p>12. सिंडिकेट बैंक,
कोडकनी शाखा,
वीर विठ्ठल कृपा,
कोडकनी, कुमटा तालुक,
उत्तर कन्नड़ जिला,
कर्नाटक राज्य,
पिन कूट-581329 ।</p> | <p>12. Syndicate Bank,
Kodkani Branch,
Veer Vithal Kripa,
Kodkani Kumta TQ,
Uttar Kannada Distt.,
Karnataka State,
Pin-581439.</p> |
| <p>13. सिंडिकेट बैंक,
हलियाल शाखा,
महान्देश कम्प्लेक्स,
पहला मंजिल, बस स्टैण्ड रोड,
हलियाल,
उत्तर कन्नड़ जिला,
कर्नाटक राज्य,
पिन कूट 581329 ।</p> | <p>13. Syndicate Bank,
Haliyal Branch,
Mahanthesh Complex,
Ist Floor, Bus Stand Road,
Haliyal,
Uttar Kannada Distt.,
Karnataka State,
Pin-581329.</p> |

14. सिंडिकेट बैंक,
हुबली दुर्गदबैल (मुख्य) शाखा,
5248/2, लोखण्डे बिल्डिंग,
दुर्गदबैल,
पो.बॉ. सं. 49
हुबली, जिला धारवाड़,
कर्नाटक राज्य,
पिन कूट-580020।
15. सिंडिकेट बैंक,
नरेन्द्र शाखा,
बस स्टैंड के सामने, नरेन्द्र,
धारवाड़ तालुक, धारवाड़ जिला,
कर्नाटक राज्य,
पिन कूट-580005।
16. सिंडिकेट बैंक,
हिरुर शाखा, हिरुर
हानगल तालुक,
जिला धारवाड़,
कर्नाटक राज्य,
पिन कूट-581104।
17. सिंडिकेट बैंक,
नवलगुंद शाखा,
1984/बी, विनायक पेट रोड,
पो. बॉ. सं. 1
नवलगुंद, धारवाड़ जिला,
पिन कूट-582208।
18. सिंडिकेट बैंक,
गोआ पालोले शाखा,
पालोले कानकोना,
पालोले गोआ,
पिन कूट-403702।
19. सिंडिकेट बैंक,
गोआ मेरशो
मेस्ता भट्ट, II एचएएस, मेरशो,
डा. घ. सांताक्रुज, गोआ
पिन कूट-403005।
20. सिंडिकेट बैंक,
आघार शाखा,
संजिवनी बिल्डिंग
आघार बाइलुक,
मालेगांव तालुक, नासिक जिला,
महाराष्ट्र राज्य, पिन कूट-423211
21. सिंडिकेट बैंक,
कोल्हापुर शाखा,
सी.एस. सं. 1446 "सी" वार्ड,
दसरा चौक, शाहू महाराज की प्रतिमा,
लक्ष्मीपुरी, कोल्हापुर,
महाराष्ट्र राज्य,
पिन कूट-416002
14. Syndicate Bank,
Hubli Durgadbail (Main) Branch,
5248/2, Lokhande Building,
Durgadbail, P.B. No. 49,
Hubli, Dharwad Distt.,
Karnataka State,
Pin-580020.
15. Syndicate Bank,
Narendra Branch,
Opp. Bus Stand, Narendra,
Dharwad TQ, Dharwad Distt.,
Karnataka State,
Pin-580005.
16. Syndicate Bank,
Hirur Branch, Hirur.
Hangal Taluk,
Dharwad Distt.,
Karnataka State,
Pin-580104.
17. Syndicate Bank,
Navalgund Branch,
1984/B Vinayaka Pet Road,
P.B. No. 1, Navalgund,
Dharwad Distt.,
Pin-582208.
18. Syndicate Bank,
Goa Palolem Branch,
Palolem Cana Cona,
Palolem,
Goa State,
Pin-403702.
19. Syndicate Bank,
Goa Mercas, Mesta Bhatt,
II HAS, Mercas,
P.O. Santacruz, Goa,
Pin-403005.
20. Syndicate Bank,
Aghar Branch,
Sanjivini Building,
Aghar Badruk,
Malengaon Taluk, Nasik Dist.,
Maharashtra State,
Pin-423211.
21. Syndicate Bank,
Kolhapur Branch,
C. S. No. 1446 "C" Ward,
Dasara Choak, Near S.M. Statue,
Lakshmi Puri, Kolhapur,
Maharashtra State,
Pin-416002.

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| <p>22. सिंडिकेट बैंक,
मोहाडी शाखा,
मोहाडी (प्रागाने डोंग्री)
गृह सं. 156, धुले तालुक एवं जिला
महाराष्ट्र राज्य पिन कूट-424316</p> | <p>22. Syndicate Bank,
Mohadi Branch,
Mohadi (Pragane Dongri),
H. No. 156, Dist. & TQ Dhule,
Maharashtra State,
Pin-424316.</p> |
| <p>23. सिंडिकेट बैंक
तलवाडे शाखा
द्वार सं. 609, डाक तलवाडे ग्राम
मालेगांव तालुक, नासिक जिला
महाराष्ट्र राज्य,
पिन कूट-423108</p> | <p>23. Syndicate Bank,
Talavade Branch,
D. No. 609, Post Talavade Village,
Malegaon TQ, Nasik Dist.,
Maharashtra State,
Pin-423108.</p> |
| <p>24. सिंडिकेट बैंक,
पुणे कैम्प शाखा
परामार चैम्बर्स
साधु वासवानी वृत्त
कनाउट रोड, कैम्प पुणे,
महाराष्ट्र राज्य,
पिन कूट-411001</p> | <p>24. Syndicate Bank,
Pune Camp Branch,
Paramar Chambers,
Sadhu Vaswani Circle,
Cannaught Road, Camp Pune,
Maharashtra State,
Pin-411001.</p> |

राजभाषा नियम 10 (4) के तहत अधिसूचित करने हेतु
शाखाओं व कार्यालय की सूची

List of Branches to be notified under Official
Languages Rules 10(4).

इण्डियन ओवरसीज बैंक

INDIAN OVERSEAS BANK

1. क्षेत्रीय कार्यालय चण्डीगढ़
1. इंडियन ओवरसीज बैंक,
क्षेत्रीय कार्यालय,
एम. सी. ओ. 11, मध्य मार्ग,
सेक्टर 7 सी,
चण्डीगढ़-160019।
 2. पठानकोट शाखा
इंडियन ओवरसीज बैंक
357/358 डलहौजी रोड
पठानकोट-145001
गुरदासपुर जिला
पंजाब
 3. सोलन शाखा
इंडियन ओवरसीज बैंक,
ठाकुर बिल्डिंग,
डी. सी. ऑफिस के पास
द माल, सोलन-173212
हिमाचल प्रदेश।
 4. बरियातू रोड रांची शाखा
इंडियन ओवरसीज बैंक,
आम्रपाली बिल्डिंग,
बरियातू रोड,
रांची-834008
बिहार।

1. Regional Office, Chandigarh

1. Indian Overseas Bank,
Regional Office,
S.C.O. 11, Madhya Marg,
Sector 7 C,
Chandigarh-160019.
2. Pathankot Branch
Indian Overseas Bank,
357/358, Dalhousie Road,
Pathankot-145001,
Gurdaspur District,
Punjab.
3. Solan Branch
Indian Overseas Bank,
Thakur Building,
Near D.C. Office,
The Mall Solan-173212,
Himachal Pradesh.
4. Bariatu Road, Ranchi Branch
Indian Overseas Bank,
Amrapali Building,
Bariatu Road,
Ranchi-834008,
Bihar.

5. बोकारो स्टील सिटी शाखा
इंडियन ओवरसीज बैंक,
पुराना बाजार, बाई पास रोड,
डाकघर : चास
बोकारो जिला
827013 (बिहार)

6. डकरा शाखा
इंडियन ओवरसीज बैंक,
डकरा कोलियरी,
रांची जिला
829210 (बिहार)

7. दरभंगा शाखा
इंडियन ओवरसीज बैंक,
कटहलबारी
दरभंगा 846004
बिहार।

5. Bokaro Steel City Branch
Indian Overseas Bank.
Purana Bazar, By Pass Road,
P.O. Chas,
Bokaro District
827013 (Bihar).

6. Dakra Branch
Indian Overseas Bank,
Dakra Colliery,
Ranchi District,
829210 (Bihar).

7. Darbhanga Branch
Indian Overseas Bank,
Kathalbari,
Darbhanga-846004.
Bihar.

क्षेत्र/अंचल यूनियन बैंक ऑफ इंडिया
अंचलीय कार्यालय—लखनऊ

Region/Zone Union Bank of India
Zonal Office—Lucknow.

1. मेडिकल कॉलेज रोड
शाखा, पोस्ट—आरोग्य मंदिर,
जिला—गोरखपुर-273009

2. विशेषीकृत बचत बैंक शाखा
19वीं, राजपुर मार्ग,
पो. बां. 109, देहरादून—248001

3. लघु उद्योग इकाई शाखा,
441, दक्षिण सिविल लाइन्स
मेरठ रोड, मुजफ्फरनगर-251002

4. लघु उद्योग शाखा,
नयाबन्स, राजेंद्र कॉम्प्लेक्स,
होटल, निरुलाज के सामने
सेक्टर-15, नोएडा-201303

5. विशिष्ट बचत बैंक शाखा,
प्रकाश भवन, चित्रा टाकीज के पास,
बाग मुजफ्फरखान,
आगरा-282002

6. विशिष्ट बचत बैंक शाखा
स्वामीबाग मंदिर के सामने,
दयालबाग, आगरा

7. विशिष्ट बचत बैंक शाखा,
87, सिविल लाइन्स, बरेली

8. श्रीरामपुर शाखा,
पॉपुलर शॉपिंग सेंटर,
मेन रोड, श्रीरामपुर,
महाराष्ट्र-413709
अहमदनगर

1. Medical College Road Branch,
Post Arogya Mandir,
Distt. Gorakhpur-273 009.

2. Specialised Saving Bank Br.
19-B, Rajpur Road, P.B. No. 109,
Dehradun-248 001.

3. Small Scale Industries Branch,
441, Civil Lines (South),
Meerut Road, Muzaffar Nagar-2.

4. Small Scale Industries Branch,
Nayabans, Rajendra Complex,
Opp. Hotel Nirula's,
Sector-15, Noida-201 303.

5. Specialised Saving Bank Br.,
Prakash Bhavan, Near Chitra Theatre,
Baug Mujaffarkhan,
Agra-282 002.

6. Specialised Saving Bank Br.,
Near Swami Baugh Temple,
Dayal Baug, Agra.

7. Specialised Saving Bank Br.,
87, Civil Lines, Bareilly.

8. Shrirampur Branch,
Popular Shopping Centre,
Main Road, Shrirampur.
Maharashtra-413 709,
Distt. Ahmednagar.

9. वर्धमान नगर शाखा,
प्लॉट क्र. 9, जूना भंडारा रोड,
वर्धमान नगर चौक,
नागपुर-440008

यूनियन बैंक ऑफ इंडिया
अंचलीय कार्यालय—बेंगलूर

10. सोमाजीगुडा शाखा
6-6-347/9/4,
द्वारकापुरी कालोनी
सोमाजीगुडा, हैदराबाद।
11. बी-9, पुराना पट्टाभीपुरम,
एस. पी. जे. मिल्स रोड, गुंटूर
(आन्ध्र प्रदेश)
12. विशेषीकृत बचत बैंक शाखा
पोरंकी (कृष्णा जिला), आन्ध्र प्रदेश
13. कृषि हाइटेक वित्त शाखा,
पहली मंजिल, मोहन मंशन,
47-7-30/2, 4थी गली,
द्वारका नगर, विशाखापट्टणम
530016—आन्ध्र प्रदेश
14. लघु उद्योग वित्त शाखा,
12-4-32 पहला तल,
(ओनिडा आर्केड के ऊपरतल)
चंदू प्लाजा, अप्सरा रोड,
विशाखापट्टणम-530002
15. विशेष बचत बैंक शाखा,
द्वार क्र. 21-32/8,
चंगलरावपेट, कोत्ता रोड,
विशाखापट्टणम-530001
16. लघु उद्योग शाखा,
7-1-59/3, दूसरी मंजिल,
भव्या कमर्शियल कॉम्प्लेक्स,
अमीरपेट, हैदराबाद-500006।

अंचलीय कार्यालय—कलकत्ता

17. मारग्राम शाखा,
मेनरोड, डाक व ग्राम—मारग्राम,
जि. बीरभूम (प. बं.)
18. नारायणपुर शाखा,
डाक व ग्राम नारायणपुर,
जिला बीरभूम (प. बं.)
19. शालदामोड शाखा,
डाक व ग्राम मोहम्मद बाजार
टी. एस. गांव. शालदा,
जि. बीरभूम-731129

9. Wardhman Nagar Branch,
Plot No. 9, Juna Bhandara Rd.,
Wardhman Nagar Chowk,
Nagpur-440 008.

Union Bank of India
Zonal Office—Bangalore.

10. Somjiguda Branch,
6-6-347/9/4,
Dwarkapuri Colony,
Somajiguda, Hyderabad,
 11. B-9, Old Pattabhipuram,
S.P.J. Mills Road,
Guntoor (A.P.)
 12. Specialised Saving Branch,
Poranki (Distt. Krishna) (A.P.).
 13. Agri Hi-Tech Finance Br.,
1st Floor, Mohan Mansion,
4th Lane 47-7-30/2,
Dwarkanagar, Vishakhapatanam,
A.P.-530 016.
 14. Small Scale Indls Fin. Br.,
12-4-32, 1st Floor,
(Upstairs Onida Arcade).
Chandu's Plaza, Apsara Rd.,
Vishakhapatanam-530 002.
 15. Specialised Saving Bank Br.,
Door No. 21-32/8,
Changalraopet, Kotha Road,
Vishakhapatanam-530 001.
 16. Small Scale Indls. Branch,
7-1-59/3, IInd Floor,
Bhavya Commercial Complex,
Ameerpet, Hyderabad-500 016.
- Zonal Office—Calcutta.
17. Margram Branch,
Main Road, Post & Village-
Margram, Distt. Birbhum (W.B.).
 18. Narayanpur Branch,
Post & Village—Narayanpur;
Distt. Birbhum (W.B.).
 19. Shaldamore Branch,
Post & Village—Mohammad Bazar,
T.S. Vill.—Shaldā,
Distt. Birbhum-731 129.

यूनियन बैंक ऑफ इंडिया—(जारी)

Union Bank of India—(Contd.)

20. मंगरुल शाखा,
ग्राम एवं पोस्ट, मंगरुल,
जिला मिदनापुर (प. बं.)

20. Mangrul Branch,
Vill. & Post-Mangrul,
Distt. Midnapur (W.B.).

21. टिनप्लेट शाखा,
पोस्ट—गोलपुरी, जमशेदपुर।

21. Tinsplate Branch,
Post-Golmuri,
Jamshedpur.

22. बोरिंग रोड शाखा,
ए. एन. कॉलेज के सामने,
बोरिंग रोड, पटना

22. Boring Road Branch,
Opp. A.N. College,
Boring Road, Patna.

23. सिवान शाखा,
लाल प्लेस, कॉम्प्लेक्स,
चौक बाजार, स्टेशन रोड, सिवान।

23. Siwan Branch,
Lal Place Complex, Chowk Bazar,
Station Road, Siwan.

अंचलीय कार्यालय—दिल्ली।

Zonal Office—Delhi.

24. गोरया शाखा
(विशेषीकृत बचत बैंक शाखा)
जी. टी. रोड, गोरया
जिला—जालंधर।

24. Goraya Branch,
(Specialised Saving Bank Br.),
G.T. Road, Goraya,
Distt. Jalandhar.

25. विशेषीकृत बचत बैंक,
मजीद मंडी, अमृतसर

25. Specialised Saving Bank Br.,
Majeet Mandi, Amritsar

26. विशेषीकृत बचत बैंक शाखा,
मिलर गंज, जी. टी. रोड,
लुधियाना।

26. Specialised Saving Bank Br.
Miller Ganj, G. T. Road,
Ludhiana.

27. सेवा शाखा, जयपुर,
16-17, जयंती मार्केट,
जयपुर (राजस्थान)

27. Service Branch Jaipur,
16-17 Jayanti Market,
Jaipur (Rajasthan).

अंचलीय कार्यालय—अहमदाबाद

Zonal Office—Ahmedabad.

28. सेवा शाखा,
1, महात्मा गांधी मार्ग
मांडवी बड़ोदा-390001

28. Service Branch,
1, Mahatma Gandhi Marg,
Mandvi Baroda-390 001.

29. विशिष्टकृत बचत शाखा,
16, नवदुर्गा को-ऑप. हाऊसिंग
सोसा. रा. राजमार्ग क्र. 8,
निजामपुरा, बड़ोदा-390002।

29. Specialised Saving,
16, Navdurga Co-op. Hsg. Society,
National Highway No. 8,
Nizampura, Baroda-390 002.

30. विशिष्टकृत बचत शाखा,
शवशान्ति टावर, आर. सी. दत्त रोड,
अल्कापुरी, बड़ोदा-390005

30. Specialised Saving Branch,
Shavshanti Tower, R. C. Dutt Road,
Alkapuri, Baroda-390 005.

31. बचत बैंक शाखा,
जी. टी. रोड, लुधियाना
पता :
यूनियन बैंक ऑफ इंडिया
विशेषीकृत बचत बैंक शाखा,
मिलर गंज, जी. टी. रोड,
लुधियाना ।

खुलने की तारीख : 29 मार्च, 1996

32. बचत बैंक शाखा,
मजीठ मंडी, अमृतसर
पता :
यूनियन बैंक ऑफ इंडिया,
विशेषीकृत बचत बैंक शाखा,
मजीठ मंडी, अमृतसर

33. यूनियन बैंक ऑफ इंडिया
विशेष बचत बैंक शाखा,
धुले ।
पता :
श्रमिक बिल्डिंग, लेन नं. 5,
धुले-424001

34. यूनियन बैंक ऑफ इंडिया,
विशेष लघु उद्योग,
नासिक, नासिक
पता :
1 और 2 दामोदर अपार्टमेंट,
188, महात्मा नगर,
नासिक-422007

केमरा बैंक

अंचल कार्यालय, हैदराबाद
म. का. विशाखापट्टनम

1. केनरा बैंक,
वी. टी. अग्रहारम,
पंचायत कार्यालय के पास,
वी. टी. अग्रहारम-531211
विजयनगरम, आंध्र प्रदेश
2. केनरा बैंक,
नरसापुर,
भूमि तल, होटल बनबुर्गा,
मेनरोड, नरसापुर,
534, 275, पश्चिम गोदावरी जिला
आंध्र प्रदेश ।
3. केनरा बैंक,
गुटाला,
व्या निददवोला
गुटाला-534343
पोलवरम तालुक,
पश्चिम गोदावरी जिला,
आंध्र प्रदेश

31. Savings Bank Branch,
G.T. Road, Ludhiana.

Address :

Union Bank of India,
Specialised Savings Branch,
Millar Ganj, G.T. Road,
Ludhiana.

Date of Opening : 29-3-96.

32. Savings Bank Branch,
Majith Mandi, Amritsar.

Address :

Union Bank of India,
Specialised Savings Branch,
Majith Mandi, Amritsar.

33. Union Bank of India,
Specialised Savings Branch,
Dhule.

Address :

Shramik Building, Lane No. 5,
Dhule-424 001.

34. Union Bank of India,
Specialised Small Scale,
Industry Branch, Nasik,
Address :
1 & 2, Damodar Apartment,
188, Mahatma Nagar,
Nasik-422 007.

CANARA BANK

C.O. Hyderabad

D.O. Vishakapattanam

1. Canara Bank,
V. T. Agraharam,
Near Panchayat Office,
V.T. Agraharam-531 211,
Vijayanagar, Andhra Pradesh.
2. Canara Bank,
Narasapur,
Ground Floor, Narasapur,
Main Road, Narasapur,
534275, West Godavari Distt.,
Andhra Pradesh.
3. Canara Bank,
Gutala,
Via Nidadavola,
Gutala-534 343,
Polavaram Taluk,
West Godavari Distt.,
Andhra Pradesh.

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| 4. केनरा बैंक,
समुद्रपारीय शाखा,
विशाखापट्टनम,
28-14-1, II फ्लोर,
सूर्यबाग,
विशाखापट्टनम-530020
आन्ध्र प्रदेश | 4. Canara Bank,
Overseas Branch,
Visakhapatnam,
28-14-1, II Floor,
Surjabagh,
Visakhapatnam,
Andhra Pradesh. |
| 5. केनरा बैंक,
गांधीपुरम,
प्लॉट नं. 36, 76-1-4
प्रकाशनगर पार्क के सामने
गांधीपुरम-2
राजमुन्दी-533103
जिला पूरब गोदावरी,
आंध्र प्रदेश | 5. Canara Bank,
Gandhipuram,
Plot No. 36, 76-1-4,
Opp. Prakash Nagar Park
Gandhipuram-2,
Rajamundry-533 103,
East Godavari Distt.,
Andhra Pradesh. |
| 6. केनरा बैंक,
एलुरु,
कोरपाटिवरि बीघी,
पावर पेट, एलुरु-534002
जिला पश्चिम गोदावरी,
आंध्र प्रदेश | 6. Canara Bank,
Eluru,
Korapativari Street, Power Pet,
Eluru-534 002,
West Godavari Distt.,
Andhra Pradesh. |
| 7. केनरा बैंक,
अमलापुरम
4-2-32, के. वी. राव स्ट्रीट,
कोलेज रोड,
अमलापुरम-533201
जिला-पूर्वी गोदावरी,
आंध्र प्रदेश | 7. Canara Bank,
Amalapuram,
4-2-32, K. V. Rao Street,
College Road,
Amalapuram-533 201,
East Godavari Distt.,
Andhra Pradesh. |
| 8. केनरा बैंक,
राजाम, राजबीघी,
चेडवरम तालुक,
राजाम-531036
जिला विशाखापट्टनम,
आंध्र प्रदेश | 8. Canara Bank,
Rajam, Rajavcedhi,
Chodavaram Taluk,
Rajam-531 036,
Visakhapatnam Distt.,
Andhra Pradesh. |
| 9. केनरा बैंक,
हंसवरम,
शोनेपुरहत ग्राम,
पंचायत कार्यालय,
तुनी मंडलम,
हंसवरम-533401
जिला पूर्व गोदावरी,
आंध्र प्रदेश | 9. Canara Bank,
Hansavaram,
Shonepurahat gram,
Panchayat Office,
Tuni Mandalam,
Hansavaram-533 401,
East Godavari Distt.
Andhra Pradesh. |
| 10. केनरा बैंक,
चाटपारु-534001
जिला पश्चिम गोदावरी,
आंध्र प्रदेश | 10. Canara Bank,
Chataparru-534 001;
West Godavari Distt.,
Andhra Pradesh. |

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| 11. केनरा बैंक,
भीमावरम
पी. बी. नं. 50 पी पी रोड
भीमावरम—534 201
जिला पश्चिम गोदावरी,
आंध्र प्रदेश | 11. Canara Bank,
Bheemavaram,
P.B. No. 50, P.P. Road,
Bheemavaram-534 201,
West Godavari Dist.,
Andhra Pradesh. |
| 12. केनरा बैंक,
निडदवोलु,
भूमि तल, मेन रोड, निडदवोलु—534 301
जिला पश्चिम गोदावरी
आंध्र प्रदेश | 12. Canara Bank,
Nidadavolu, Ground Floor,
Main Road, Nidadavolu-534 301,
West Godavari Dist.,
Andhra Pradesh. |
| 13. केनरा बैंक,
विश्वनाथपुरम
73/5 विश्वनाथपुरम
वया सालूर—532 591
जिला विजयनगरम
आंध्र प्रदेश | 13. Canara Bank,
Vishwanathapuram,
73/5, Vishwanathapuram,
Via Salur-532 591,
Vizianagaram Dist.
Andhra Pradesh. |
| 14. केनरा बैंक,
स्टील प्लांट,
परियोजना कार्यालय कॉम्प्लेक्स,
विशाखापट्टनम—533 031
आंध्र प्रदेश | 14. Canara Bank,
Steel Plant,
Project Office Complex,
Visakhapatnam-533 031,
Andhra Pradesh. |
| 15. केनरा बैंक,
द्वारकानगर
47-15-10, हसन मंजिल, द्वारकानगर
विशाखापट्टनम—530 016
आंध्र प्रदेश | 15. Canara Bank,
Dwarakanagar, 47-15-10,
Hasan Manzil, Dwarakanagar,
Visakhapatnam-530 016,
Andhra Pradesh. |
| क्षेत्रीय कार्यालय, हैदराबाद | Regional Office, Hyderabad. |
| 16. केनरा बैंक,
वनस्थलीपुरम
प्लॉट नं. 34, एचआईजी फेज-1
विनायक मंदिर के पास,
वनस्थलीपुरम
हैदराबाद-500 661
जिला रंगारेड्डी,
आंध्र प्रदेश | 16. Canara Bank,
Vanasthalipuram,
Plot No. 34, HIG Phase 1,
Near Vinayaka Temple
Vanasthalipuram,
Hyderabad-500 661,
Ranga Reddy Dist.
Andhra Pradesh. |
| 17. केनरा बैंक,
बंजारा हिल्स,
8-2-541, रोड नं. 9,
बंजारा हिल्स,
हैदराबाद—500 034
आंध्र प्रदेश | 17. Canara Bank,
Banjara Hills, 8-2-541, Road No. 9,
Banjara Hills, Hyderabad-500 034,
Andhra Pradesh. |
| 18. केनरा बैंक
सैनिकपुरी,
ई-89, सैनिकपुरी पोस्ट,
सिकंदराबाद-500 094, आंध्र प्रदेश | 18. Canara Bank,
Sainikpuri,
E-89, Sainikpuri, Post,
Secunderabad-500 094,
Andhra Pradesh. |

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| <p>19. केनरा बैंक,
रोड्डम, श्रीलक्ष्मी निलयम,
रोड्डम, पेनुकोन्डा तालुक
जिला अनंतपुर-515123
आंध्र प्रदेश</p> | <p>19. Canara Bank,
Roddam, Srilakshmi Nilayam,
Roddam, Penukonda Taluk,
Ananthapur Dist.
Andhra Pradesh.</p> |
| <p>20. केनरा बैंक,
गार्लेदिन्ने,
लालप्पा गार्डन,
एन एच 7 गार्लेदिन्ने,
जिला अनंतपुर
आंध्र प्रदेश</p> | <p>20. Canara Bank,
Garladinne,
Lalappa Garden,
NH 7, Garlandinne,
Ananthapur Dist.
Andhra Pradesh.</p> |
| <p>21. केनरा बैंक,
लेखा अनुभाग,
पो. बा. सं. 1045, 3-6-69-4-1ए
बशीरबाग,
स्काई लाईन सिनेमा के अगल में,
हैदराबाद-500029
आंध्र प्रदेश</p> | <p>21. Canara Bank,
Accounts Section,
P.B. No. 1045, 3-6-69-4-1A,
Bashir Bagh,
Besides Skyline Cinema,
Hyderabad-500 029,
Andhra Pradesh.</p> |
| <p>22. केनरा बैंक,
हाईटेक ए एफ शाखा,
6-1-74, भूमि तल,
श्री वेंकटेश्वरा लाज,
लकड़ी का पुल,
हैदराबाद-500 004
आंध्र प्रदेश</p> | <p>22. Canara Bank,
Hi-Tech AF Branch,
6-1-74, Ground Floor,
Sri Venkateshwara Lodge,
Lakdi ka Pull,
Hyderabad-500 004,
Andhra Pradesh.</p> |
| <p>23. केनरा बैंक,
हयात नगर, 7-76, एनएच-9,
हयात नगर, हैदराबाद-501505
आंध्र प्रदेश</p> | <p>23. Canara Bank,
Hayat Nagar, 7-76, NH-9,
Hayat Nagar, Hyderabad-501 505,
Andhra Pradesh.</p> |
| <p>24. केनरा बैंक,
कर्नूल, पी. बी. नं. 31,
पार्क रोड 518001
कर्नूल, आंध्र प्रदेश</p> | <p>24. Canara Bank,
Kurnool, P.B. No. 31,
Park Road-518 001,
Kurnool, Andhra Pradesh,</p> |
| <p>25. केनरा बैंक,
सोमंदेपल्ली,
1/98, पंचायत रोड,
सोमंदेपल्ली-515222
जिला अनंतपुर
आंध्र प्रदेश</p> | <p>25. Canara Bank,
Somandepalli,
1/98, Panchayat Road,
Somandepalli-515 222,
Ananthapur Dist.
Andhra Pradesh.</p> |
| <p>26. केनरा बैंक,
कंचनबाग, 17-1-375, 24/1, डीएफआरएल
क्रास रोड, हैदराबाद-500653
आंध्र प्रदेश</p> | <p>26. Canara Bank,
Kanchanbagh,
17-1-375, 24/1, D F R L
Cross Road, Hyderabad-500 653.
Andhra Pradesh.</p> |

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| <p>27. केनरा बैंक,
गुंतकल,
पो.बा. नं. 50/ 13/28 सी.
गांधी चौक,
गुंतकल-515 801
जिला अनंतपुर,
आंध्र प्रदेश ।</p> | <p>27. Canara Bank,
Guntakal,
P.B. No. 50, 13/28C,
Gandhi Chowk, Guntakal-515 801,
Ananthapur (Distt.,
Andhra Pradesh.</p> |
| <p>28. केनरा बैंक,
औद्योगिक वित्त शाखा,
11 फ्लोर, चक्रपाणी एस्टेट,
पुलिस कंट्रोल रूम के सामने
साईफाबाद, हैदराबाद-500004,
आंध्र प्रदेश ।</p> | <p>28. Canara Bank,
I F Branch,
11 Floor, Chakrapani Estate,
Opp. Police Control Room,
Saifabad, Andhra Pradesh.</p> |
| <p>29. केनरा बैंक,
विकाराबाद,
अग्रिकल्चरल मार्केट आफिस के सामने,
अलम्पल्ली रोड, विकाराबाद-501101
आंध्र प्रदेश ।</p> | <p>29. Canara Bank,
Vikarabad,
Opp. Agricultural Market, Office,
Alampally Road, Vikarabad-501 101,
Andhra Pradesh.</p> |
| <p>30. केनरा बैंक,
रामगिरी, प्रशासनिक संकूल,
भारत गोल्ड माईन्स लि.
येप्पमना खान, धर्मावरम,
जिला अनंतपुर,
आंध्र प्रदेश ।</p> | <p>30. Canara Bank,
Ramagiri,
Administrative Complex,
Bharat Gold Mines Ltd.,
Yeppamana Mine,
Via Dharmavaram,
Ananthapur (Distt.,
Andhra Pradesh.</p> |
| <p>31. केनरा बैंक,
दिलसुखनगर,
9/46, 13-18 साईबाबा मंदिर के बगल में,
दिलसुखनगर,
हैदराबाद-500 660
आंध्र प्रदेश ।</p> | <p>31. Canara Bank,
Dilsukh Nagar,
9/46, 13-18
Reside Sai Baba Temple,
Dilsukh Nagar,
Hyderabad-500 660,
Andhra Pradesh.</p> |
| <p>11. ग्रंथल कार्यालय, चण्डीगढ़,
क्षेत्रीय कार्यालय, करनाल ।</p> | <p>11. Circle Office, Chandigarh,
Regional Officer Karnal.</p> |
| <p>32. केनरा बैंक,
मणिराम मण्डी, घराउंडा,
जिला, करनाल ।</p> | <p>32. Canara Bank,
Maniram Mandi, Gharaunda,
Dist. Karnal.</p> |
| <p>33. केनरा बैंक,
कृषि वित्त शाखा,
87, दयाल सिंह कालोनी,
करनाल ।</p> | <p>33. Canara Bank,
A F Branch,
87, Dayal Singh Colony,
Karnal.</p> |
| <p>34. केनरा बैंक,
पलवल,
प्रथम तल, पुष्पा कॉम्प्लेक्स,
हाल नं. 1, आगरा चौक,
पलवल ।</p> | <p>34. Canara Bank,
Palwal,
1 Floor, Pushpa Complex,
Ghali No. 1, Agra Chowk,
Palwal.</p> |

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| 35. केनरा बैंक,
पंचकुला, प्लॉट सं. 370,
इंडस्ट्रियल एरिया, लघु उद्योग शाखा,
पंचकुला, हरियाणा । | 35. Canara Bank,
Panchakula, Plot No. 370,
Industrial Area, SSI Panchakula,
Haryana. |
| 36. केनरा बैंक,
मनिमाजरा, एस सी ओ 856,
मनिमाजरा, चंडीगढ़ । | 36. Canara Bank,
Manimajra, SCO 856,
Manimajra, Chandigarh. |
| 37. केनरा बैंक,
कुल्लू, एस सी ओ 370
अखराड़ा बाजार, कुल्लू । | 37. Canara Bank,
Kullu, SCO 370,
Akhara Bazar, Kullu. |
| 38. केनरा बैंक,
एस सी ओ. 370, सेक्टर 44 डी,
चंडीगढ़ । | 38. Canara Bank,
SCO 370, Sector 44-D,
Chandigarh, |
| 39. केनरा बैंक,
आई एफ शाखा, साई रोड,
बद्दी, सोलन । | 39. Canara Bank,
I F Branch, Sai Road,
Baddi, Solan, |
| 40. केनरा बैंक,
कुरुक्षेत्र, 1035/8, रेलवे रोड,
कुरुक्षेत्र । | 40. Canara Bank,
Kurukshetra, 1035/8, Railway Road,
Kurukshetra,. |
| 41. केनरा बैंक,
एस सी ओ 167-168
सेक्टर 8 सी, चंडीगढ़ । | 41. Canara Bank,
SCO 167-168, Sector-8C,
Chandigarh. |
| 42. केनरा बैंक,
एस सी ओ 367, सेक्टर 32 डी,
चंडीगढ़ । | 42. Canara Bank,
SCO 367, Sector-32D,
Chandigarh. |
| 43. केनरा बैंक,
एस सी ओ 389, सेक्टर 37 डी,
चंडीगढ़ । | 43. Canara Bank,
S C O 389, Sector—37-D,
Chandigarh. |
| 44. केनरा बैंक,
लघु उद्योग शाखा,
आई सी-ओ 2/1 ए,
एन आई टी, फरीदाबाद । | 44. Canara Bank,
S S I Branch,
I C—D-2/1-A,
NIT, Faridabad. |
| 45. केनरा बैंक,
लेखा अनुभाग,
सेक्टर 17 सी,
चंडीगढ़ । | 45. Canara Bank,
Accounts Section,
Sector 17-C,
Chandigarh. |
| III. ग्रंथाल कार्यालय, लखनऊ
मंडल कार्यालय, मेरठ । | III. Circle Office, Lucknow,
D. O. Meerut. |
| 46. केनरा बैंक,
मंडल कार्यालय,
पो. आ. 375, प्रसाद हाउस,
14-145, बिल्ली रोड, निकट अजंता सिनेमा,
मेरठ-250 002 | 46. Canara Bank,
Divisional Office,
P. O. 375, Prasad House,
144-145, Delhi Road,
Near Ajantha Cinema,
Meerut--250 002. |

47. केनरा बैंक,
करेंसी चैस्ट
बी-10, अशोक नगर,
गाजियाबाद-201001

47. Canara Bank,
Currency Chest, B-10,
Ashok Nagar,
Ghaziabad—201 001.

48. केनरा बैंक
औद्योगिक वित्त शाखा,
सर्विस सेंटर,
नोएडा एक्सपोर्ट प्रमोशन-जोन,
नोएडा,

48. Canara Bank,
IF Branch,
Service Centre,
Noida Export Promotion Zone,
Noida.

IV. अंचल कार्यालय, मंगलूर

IV. Circle Office, Mangalore

49. केनरा बैंक,
अंचल कार्यालय,
पो.बा. सं. 227,
मंगलूर-575001

49. Canara Bank,
Circle Office,
P. O. No. 227,
Mangalore—575 001.

V. अंतर्राष्ट्रीय प्रभाग, मुम्बई

V. International Division, Mumbai.

50. केनरा बैंक,
विदेश विभाग,
पो.बा. सं. 2545, 44/45, रेसिडेंसी क्रॉस रोड,
बेंगलूर-560 025

50. Canara Bank,
Foreign Department,
P. O. No. 2545, 44/45,
Residency Cross Road,
Bangalore—560 025.

स्टेट बैंक ऑफ बीकानेर गंज जयपुर
प्रधान कार्यालय
जयपुर

STATE BANK OF BIKANER AND
JAIPUR HEAD OFFICE,
JAIPUR.

जिला कोटा

DISTRICT KOTA.

1. इटावा
जिला नागौर

Itawa.

DISTRICT NAGOUR.

2. गोटन

Gotan.

1. सेंट्रल बैंक ऑफ इंडिया,
मुम्बई, मुख्य कार्यालय,
एम.जी. रोड, फोर्ट,
मुम्बई-400 001

CENTRAL BANK OF INDIA.

1. Central Bank of India,
Head Office Mumbai,
M. G. Road, Fort,
Mumbai—400 001.

राष्ट्रीय आवास बैंक

NATIONAL HOUSING BANK.

1. राष्ट्रीय आवास बैंक,
प्रधान कार्यालय,
कोर 5-ए तृतीय तल,
इंडिया हैबिटाट सेंटर,
लोधी रोड,
नई दिल्ली-110003

1. National Housing Bank,
Head Office,
Core—5-A, IIIrd Floor,
India Habitat Centre,
Lodhi Road,
New Delhi—110003.

नाणिक्य मंत्रालय

(महानिदेशक विदेश व्यापार का कार्यालय)

नई दिल्ली, 17 फरवरी, 1997

का.आ. 537.—मैसर्स पर्ल इंजीनियरिंग पोलिमर्स लिमिटेड, नई दिल्ली को पंजीकृत माल के आयात के लिए 1,24,20,563 रु. (एक करोड़, चौबीस लाख, बीस हजार, पांच सौ त्रसठ रुपए मात्र) के लिए दिनांक 29-7-94 को एक आयात लाइसेंस सं. पी. /सी जी/2133262 जारी किया गया था।

2. इस आधार पर कि आयात लाइसेंस गुम या अस्थानस्थ हो गया है। फर्म ने उपर्युक्त आयात लाइसेंस की डुप्लीकेट जारी करने के लिए आवेदन किया है, आगे यह भी कहा है कि लाइसेंस सीमाशुल्क, मुम्बई में पंजीकृत था और लाइसेंस के पूर्ण मूल्य का उपयोग कर लिया गया है।

3. अपने दावे के समर्थन में, लाइसेंसधारक ने पब्लिक नोटरी, दिल्ली के समक्ष, स्टाम्प पेपर पर शपथपत्र प्रस्तुत किया है। मैं इस संबंध में संतुष्ट हूँ कि फर्म द्वारा आयात लाइसेंस सं. पी/सी जी/2133262 दिनांक 29-7-94 की मूल प्रति गुम या अस्थानस्थ हो गई है। यथासंशोधित दिनांक 7-12-1955 के आयात (नियंत्रण) आदेश, 1955 की उपधारा 9 (सीसी) के अंतर्गत प्रदत्त अधिकारों का प्रयोग करने हुए, मैं मैसर्स पर्ल इंजीनियरिंग पोलिमर्स लिमिटेड को जारी आयात लाइसेंस की मूल प्रति के निरसन का आदेश देता हूँ।

4. उपर्युक्त लाइसेंस के आयात लाइसेंस की डुप्लीकेट प्रति पार्टी को अलग से जारी की जा रही है।

[फा.सं. 18/277/एम 95/ईपीसीजी-3/2473]

के. चन्द्रामनी, उप महानिदेशक, विदेश व्यापार

MINISTRY OF COMMERCE

(Office of Directorate General of Foreign Trade)

New Delhi, the 17th February, 1997

S. O. 537.—M/s. Pearl Engineering Polymers Ltd., New Delhi were granted an import licence No. P/CG/2133262 dated 29-7-94 for Rs. 1,24,20,563 (Rupees One Crore Twenty Four Lakhs Twenty Thousand Five Hundred and Sixty Three only) for import of capital goods.

2. The firm has applied for issue of duplicate import licence of the above mentioned licence on the ground that the import licence has been lost or misplaced. It has further been stated that the licence was registered with Bombay Custom and the value of the licence has been fully utilised.

3. In support of their contention, the licensee has filed an affidavit on Stamped Paper duly sworn in before a Notary Public, Delhi. I am accordingly satisfied that the original import licence No. P/CG/2133262, dated 29-7-94 has been lost or misplaced by the firm. In exercise of the powers conferred under Sub Clause 9(cc) of the Import (Control) Order, 1955 dated 7-12-1955, as amended the said original import

licence issued to M/s. Pearl Engineering Polymers Ltd is hereby cancelled.

4. A duplicate import licence of the said licence is being issued to the party separately.

[F. No. 18/277/AM'95/EPCG-III/2473]

K. CHANDRAMATHI, Dy. Director
General of Foreign Trade

नई दिल्ली, 17 फरवरी, 1997

का.आ. 538.—मैसर्स पर्ल इंजीनियरिंग पोलिमर्स लिमिटेड, नई दिल्ली को 25,59,512 रु. (पच्चीस लाख उन्सठ हजार पांच सौ बारह रुपए) की पंजीकृत वस्तुओं के आयात के लिए एक आयात लाइसेंस सं. पी/सीजी/2133763 दिनांक 30-12-94 जारी किया गया था।

2. फर्म ने इस आधार पर कि उपर्युक्त लाइसेंस गुम अथवा अस्थानस्थ हो गया है, डुप्लीकेट आयात लाइसेंस जारी करने के लिए आवेदन किया है। इसके अलावा यह कहा गया है कि लाइसेंस मुम्बई सीमाशुल्क प्राधिकरण के पास पंजीकृत था और लाइसेंस के पूरे मूल्य का उपयोग कर लिया गया है।

3. अपने दावे के समर्थन में, लाइसेंसधारी ने नोटरी पब्लिक, दिल्ली के समक्ष बाकायदा शपथ लेकर स्टाम्प पेपर पर हस्ताक्षर दायर किया है। तदनुसार मैं संतुष्ट हूँ कि मूल आयात लाइसेंस सं. पी/सीजी/2133763 दिनांक 30-12-94 फर्म द्वारा गुम अथवा अस्थानस्थ हो गया है। यथासंशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955 की उपधारा 9 (ग) के तहत प्रदत्त शक्तियों का उपेक्षण करने हुए, मैसर्स पर्ल इंजीनियरिंग पोलिमर्स लि. को जारी किया गया उक्त मूल आयात लाइसेंस एनद्द्वारा रद्द किया जाता है।

4. पार्टी को उक्त लाइसेंस की डुप्लीकेट आयात लाइसेंस की प्रति अलग से जारी की जा रही है।

[फा. सं. 18/277/एम 95/ईपीसीजी-3/2474]

के. चन्द्रामनी, उप महानिदेशक, विदेश व्यापार

New Delhi, the 17th February, 1997

S. O. 538.—M/s. Pearl Engineering Polymers Ltd., New Delhi were granted an Import Licence No. P/CG/2133763 dated 30-12-94 for Rs. 25,59,512 (Rupees Twenty Five Lakhs Fifty Nine Thousand Five Hundred and Twelve only) for import of capital goods.

2. The firm has applied for issue of duplicate import licence of the above mentioned licence on the ground that the import licence has been lost or misplaced. It has further been stated that the licence was registered with Customs Bombay and the value of the licence has been fully utilised.

3. In support of their contention, the licensee has filed an Affidavit on Stamped Paper duly sworn in before a Notary Public, Delhi. I am accordingly satisfied that the Original import licence No. P/CG/2133763 dated 30-12-94 has been lost or misplaced by the firm. In exercise of the powers conferred under Sub-Clause 9(cc) of the Import (Control) Order, 1955 dated 7-12-1955, as amended the said original import licence issued to M/s. Pearl Engineering Polymers Ltd. is hereby cancelled.

4. A duplicate import licence of the said licence is being issued to the party separately.

[F. No. 18/767/AM/93/EPCG-III/2474]

K. CHANDRAMATHI, Dy. Director
General of Foreign Trade

मानव संसाधन विकास मंत्रालय

(संस्कृति विभाग)

भारतीय पुरातत्व सर्वेक्षण

आदेश

नई दिल्ली, 18 फरवरी, 1997

का.आ. 539—प्राचीन स्मारक तथा पुरातत्वीय स्थल और अवशेष अधिनियम, 1959 के नियम 4 द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए, मैं, अजय शंकर, महानिदेशक, भारतीय पुरातत्व सर्वेक्षण एतद्वारा यह निदेश देता हूँ कि संरक्षित स्मारकों के विभिन्न भाग (i) अजन्ता की गुफाएं और (ii) महाराष्ट्र राज्य में औरंगाबाद जिले की ऐलोरा गुफाएं और (iii) महाराष्ट्र राज्य में कोलाबा जिले की धरपुरी में एलीफंटा गुफाएं, 31 मार्च, 1997 को अथवा से पुरातत्वीय अधिकारी, उसके अभिकर्ताओं, अधीनस्थों और कामगारों और किसी अन्य सरकारी कर्मचारी जो सरकारी कार्यरत है, इन्हें छोड़ कर किसी भी व्यक्ति के लिए किसी सोमवार को नहीं खोला जाएगा।

[मिसिल संख्या 11/5/96-एम०]

अजय शंकर, महानिदेशक

MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(Department of Culture)

ARCHAEOLOGICAL SURVEY OF INDIA

ORDER

New Delhi, the 18th February, 1997

S.O. 539.—In exercise of the powers conferred by rule 4 of the Ancient Monuments and Archaeological Sites and Remains Rules, 1959, I, Ajai Shankar, Director General, Archaeological Survey of India do hereby direct that the various parts of the protected monuments of (i) the Ajanta Caves and (ii) the Ellora Caves in the District of Aurangabad in the State of Maharashtra and (iii) the Elephanta Caves in Gharpuri in the District of Kolaba in the State of Maharashtra, shall not be open to any person other than an archaeological officer, his agents, subordinates and workmen and any other Government servant on duty on any Monday on and from the 31st day of March, 1997.

[F. No. 11/5/96-M]

AJAI SHANKAR, Director General

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

आदेश

नई दिल्ली, 10 फरवरी, 1997

का.आ. 540—सिड्नी विश्वविद्यालय, आस्ट्रेलिया द्वारा प्रदान की गई एम. बी. बी.एस. आयुर्विज्ञान अर्हता भारतीय

आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 14 के प्रयोजन के लिए एक मान्यता प्राप्त आयुर्विज्ञान अर्हता है।

और डा. रवीन रब्रेटा हैरीसन जिनके पास उक्त अर्हता है, इस समय पूर्ण कार्य के लिए बम्बई अस्पताल, 12, मेरीन लाईन्स मुम्बई में संलग्न है।

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 14 की उपधारा (1) के खंड (ग) के अनुसरण में—

(i) इस अधिसूचना के जारी होने की तारीख से एक वर्ष की अवधि या

(ii) उस अवधि की, जिसके दौरान डा. रवीन रब्रेटा हैरीसन बम्बई अस्पताल 12 मेरीन लाईन्स, मुम्बई में संलग्न है,

इन दोनों में से जो भी कम हो, ऐसी अवधि के रूप में विनिर्दिष्ट करती है, जिस तक उक्त डाक्टर द्वारा चिकित्सा व्यवसाय सीमित होगा।

[संख्या बी. 11016/1/96-एम ई (यूजी)]

एस. के. मिश्रा, डैस्क अधिकारी

MINISTRY OF HEALTH AND FAMILY
WELFARE

(Department of Health)

ORDER

New Delhi, the 10th February, 1997

S.O. 540.—Whereas the medical qualification M.B.B.S. granted by the University of Sydney, Australia is a recognised medical qualification for the purposes of section 14 of the Indian Medical Council Act, 1956 (102 of 1956);

As whereas Dr. Ravin Roberta Harrison, who possesses the said qualification is for the time being attached to the Bombay Hospital, 12, Marine Lines, Mumbai for the purpose of charitable work;

Now, therefore, in pursuance of clause (c) of the proviso to sub-section (1) of section 14 of the said Act, the Central Government hereby specifies:—

(i) a period of one year from the date of issue of this notification, or

(ii) the period during which Dr. Ravin Roberta Harrison is attached to the Bombay Hospital, 12, Marine Lines, Mumbai.

whichever is shorter, as the period for which the medical practice by the aforesaid doctor shall be limited.

[No. V. 11016/1/96-ME(UG)]

S. K. MISHRA, Desk Officer

आदेश

नई दिल्ली, 11 फरवरी, 1997

का. आ. 541—कोलंबिया विश्वविद्यालय न्यूयार्क द्वारा प्रदत्त एम.डी. की चिकित्सीय अर्हता भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 की धारा 14 के प्रयोजन के लिए मान्यता प्राप्त चिकित्सीय अर्हता है;

और संयुक्त राज्य अमरीका के उक्त अर्हता धारी डा. कोलीन वालेस एम सी कार्ड पूर्ण कार्य के प्रयोजन हेतु प्रमुख स्वामी मेडिकल कालेज, करमसद, गुजरात से इस समय संलग्न हैं ;

अतः अब केन्द्रीय सरकार एतद्वारा उक्त अधिनियम की धारा 14 के खंड (i) के अनुसरण में

- (i) इस अधिसूचना के जारी होने के विनांक से एक वर्ष की अवधि का या
- (ii) उस अवधि को जिस के दौरान डा. कोलीन वालेस एम सी कार्ड प्रमुख स्वामी मेडिकल कालेज करमसद से संलग्न हैं, जो भी कम हो, उस अवधि के रूप में विनिर्दिष्ट करती है जिसके लिए उपयुक्त डाक्टर का चिकित्सा व्यवसाय सीमित होगा।

[सं. बी. 11016/6/95-एमई (यूजी)]

एस.के. मिश्रा, डेस्क अधिकारी

ORDER

New Delhi, the 11th February, 1997

S.O. 541.—Whereas the medical qualification M.D. granted by the University of Columbia, New York is a recognised medical qualification for the purpose of section 14 of the Indian Medical Council Act, 1956;

And whereas Dr. Colin Wallace Mc. Cord of United States of America who possesses the said qualification is for the time being attached to Pramukhswami Medical College, Karamsad, Gujarat for the purpose of charitable work;

Now, therefore, in pursuance of clause (1) of section 14 of the said Act, the Central Government hereby specifies:—

- (i) the period of one year from the date of issue of this notification; or
- (ii) the period during which Dr. Colin Wallace Mc. Cord is attached to Pramukhswami Medical College, Karamsad,

whichever is shorter, as a period to which the medical practice by the aforesaid Doctor shall be limited.

[No. V. 11016/6/95-ME(UG)]

S. K. MISHRA, Desk Officer

नई दिल्ली, 13 जनवरी, 1997

का.अ. 542—केन्द्रीय सरकार, भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 13 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करके हुए, भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के पश्चात् उक्त अधिनियम की तृतीय अनुसूची के भाग 2 में निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अनुसूची के भाग 2 में अन्त में निम्नलिखित प्रविष्टियां जोड़ी जाएंगी, अर्थात्:—

“एम०बी०बी०एस० (यूनिवर्सिटी ऑफ नाइजीरिया), नसुक्का

डाक्टर आफ मेडिसिन एंड सर्जरी,

(यूनिवर्सिटी आफ स्टडीज, पाविया), इटली

एम०डी० (टिमिसोवारा इंस्टीट्यूट आफ मेडिसिन), रमानिया।

एम०बी०सी०एच०बी० (यूनिवर्सिटी आफ बागदाद), इराक

एम०बी०बी०एस० (यूनिवर्सिटी आफ खर्तूम), सुडान

एम०डी० (यूनिवर्सिटी आफ रोस्टोक), जर्मन डेमो-क्रेटिक रिपब्लिक

डिप्लोमा डी डॉक्टोरियन मेडिसिन, अल्जीरिया

एम०डी० (यूनिवर्सिटी आफ काबुल), अफगानिस्तान

एम०डी० (यूनिवर्सिटी आफ मेडिसिन एंड डेंटिस्ट्री आफ न्यू जर्सी), यू०एस०ए०

एम०बी०बी०एस० (यूनिवर्सिटी आफ पपुआ, न्यू गिनी), बोरोको

एम०डी० (यूनिवर्सिटी आफ वेक्स), हंगरी

एम०डी० (मेडिसिन एंड सर्जरी) (यूनिवर्सिटी आफ मैदानिया), इटली

डाक्टर आफ मेडिसिन, एम०डी० (सेंट जार्ज्स यूनिवर्सिटी), स्कूल आफ मेडिसिन, ग्रेनाडा वेस्ट इंडीज

फिजीशियन, वारसा मेडिकल एकेडमी पोलैंड, डिप्लोमा ऑफ फिजीशियन मेडिकल एकेडमी इन ग्लानस्क पोलैंड

फिजीशियन एम०बी० (बैचलर आफ मेडिसिन), मेडी-कल एकेडमी, सोफिया

(हायर मेडीकल इंस्टीट्यूट), प्लेवेन, बुलगारिया
एम०डी० '(अल्बर्ट सेंट ज्योर्जी मेडिकल' यूनिवर्सिटी)
हंगरी

टिप्पणी :—16 सितम्बर, 2001 तक अनुदित किए जाने पर
ये मान्यता प्राप्त विकिस्तीय अर्हताएं होंगी।

[सं० बी० 11015/25/94-एम०ई० (यू०जी०)]
एस० के० मिश्रा, डैस्क अधिकारी

टिप्पण :—भारतीय आयुर्विज्ञान परिषद् अधिनियम,
1956 (1956 का 102) की तीसरी अनुसूची का भाग
II भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 के
भाग के रूप में भारत के राजपत्र (असाधारण) के भाग
II, खण्ड, I में दिनांक 31 दिसम्बर, 1956 के अंक
संख्या 83 के तहत प्रकाशित किया गया था।

New Delhi, the 13th January, 1997

S.O. 542.—In exercise of the powers conferred
by sub-section (4) of section 13 of the Indian
Medical Council Act, 1956 (102 of 1956), the
Central Government after consultation with the
Medical Council of India hereby makes the follow-
ing further amendment in Part II of the Third
Schedule to the said Act, namely :—

In the said Schedule in Part II, the following
entries shall be added at the end, namely :—

"M.B.B.S. (University of Nigeria),
Nauka.

Doctor in Medicine and Surgery,
(University of Studies),
Pavia, Italy.

M.D. (Timiscara Institute of Medicine),
Romania.

M.B.Ch.B. (University of Baghdad),
Iraq.

M.B.B.S. (University of Khartoum),
Sudan.

M.D. (University of Rostov),
G.D.R.

Diplome De Docteur en Medicine,
Algeria.

M.D. (University of Kabul),
Afghanistan.

M.D. (University of Medicine and Dentistry
of New Jersey),
U.S.A.

M.B.B.S. (University of Papua, New Guinea),
Boroka.

M.D. (University of Pecs),
Hungary.

M.D. (Medicine and Surgery),
(University of Catania),
Italy.

Doctor of Medicine, M.D.
(St. George's University School of
Medicine),
Grenada, West Indies.

Physician, Warsaw Medical Academy,
Poland.

Diploma of Physician,
Medical Academy in Gdansk,
Poland.

Physician M.B. (Bachelor of Medicine),
Medical Academy, Sofia
(Higher Medical Institute),
Pleven, Bulgaria.

M.D. (Albert Szent Gyorgyi Medical
University),
Hungary.

Note :—These shall be recognised medical
qualifications when granted upto 16th
September, 2001."

[No. V 11015/25/94-ME(UG)]

S. K. MISHRA, Desk Officer

Footnote :—Part II of the Third Schedule to the
Indian Medical Council Act, 1956
(102 of 1956) was published as a
part of the Indian Medical Council
Act, 1956 in Part II, Section I of the
Gazette of India (Extraordinary) vide
issue No. 83, dated the 31st
December, 1956.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 29 जनवरी, 1997

का० प्रा० 543—चलचित्रिकी (प्रमाणन) नियम,
1983 के नियम 7 व 8 के साथ पठित चलचित्रिकी
अधिनियम, 1952 (1952 का 37) की धारा-5 की
उप-धारा (1) द्वारा प्रदत्त शक्तियों का
उपयोग करते हुए तथा इस मंत्रालय के दिनांक 1-9-95
15-9-95, 26-9-95, 3-1-96 तथा 14-3-96 की
समसंख्यक अधिसूचना के अनुक्रम में केन्द्रीय सरकार सुश्री
सईदा नसीम चिश्ती, 9, जाकिर बाग अपार्टमेंट्स, टावर
एक, ओखला रोड, नई दिल्ली-110025 को केन्द्रीय
फिल्म प्रमाणन बोर्ड के दिल्ली सलाहकार पैनल के सदस्य
के रूप में तत्काल प्रभाव से और अगले आदेशों तक नियुक्त
करती है।

[फाइल सं० 813/5/95-एफ०सी०]

आई०पी० मिश्रा, डैस्क अधिकारी

MINISTRY OF INFORMATION AND
BROADCASTING

New Delhi, the 29th January, 1997

S.O. 543.—In exercise of the powers conferred by sub-section (1) of section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules 1983 and in continuation of this Ministry's noti-

cations of even number dated 1-9-95, 15-9-95, 26-9-95, 3-1-96 and 14-3-96 the Central Government is pleased to appoint Ms. Syeda Naseem Chishti, 9, Zakir Bagh Apartments, Tower One, Okhla Road, New Delhi-110025 as a member of Delhi advisory panel of the Central Board of Film Certification with immediate effect and until further orders.

[File No. 813/5/95-F(C)]
I. P. MISHRA, Desk Officer

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 12 फरवरी, 1997

का.आ. 544.—पेट्रोलियम और खनिज पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा-3 के उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. 3373 तारीख 28-11-96 द्वारा भारत सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के अधिकार को पाइप लाइन बिछाने के लिए अर्जित करने का आशय घोषित किया था।

अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

तत्पश्चात् भारत सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए भारत सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

इस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार निर्देश देती है कि उक्त भूमियों में अधिकार भारत सरकार में निहित होने के बजाय गैस अथॉरिटी ऑफ इंडिया लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

कमलापुरम अरली प्रोडक्शन सिस्टम से आदियकामंगलम, जी.जी.एस. गैस पाइपलाइन प्रोजेक्ट

राज्य	जिला	तालुक	ग्राम संख्या तथा नाम	सर्वे न.	क्षेत्रफल		टिप्पणी
					हेक्टे. में	एकड़ सैन्ट में	
1	2	3	4	5	6	7	8
तमिलनाडु	नागई-क्वैड-ई-मिल्लैथ	थिरुवारूर	36, अलीवलम	89.2	0.07.5	0.18	
				89.3	0.03.0	0.08	
				89.4	0.06.5	0.16	
				94.6ए2	0.01.0	0.02	
				94.8	0.03.0	0.08	
				94.9	0.15.0	0.37	
				94.10	0.00.5	0.01	
				91.1	0.05.0	0.12	
				91.2	0.05.0	0.12	
				84	0.05.0	0.12	

1	2	3	4	5	6	7	8
तमिलनाडु	नागई-क्वैड-ई-मिल्लैथ	थिरुवारुर	36, अलीयलम	81.1	0.04.0	0.10	
				81.2	0.06.5	0.16	
				81.5	0.09.0	0.22	
				82.3	0.00.5	0.01	
				82.4ए	0.01.0	0.02	
				82.1बी1	0.01.5	0.04	
				82.1बी.2	0.01.0	0.02	
				82.4सी	0.04.0	0.10	
				82.5ए	0.02.5	0.06	
				82.5बी	0.01.5	0.04	
				82.5सी	0.03.0	0.08	
				82.6	0.06.5	0.16	
				76.1	0.07.0	0.17	
				76.2ए1	0.07.5	0.18	
				76.2ए2	0.01.5	0.04	
				109.2सी15	0.00.5	0.01	
				109.5ए3	0.05.0	0.12	
				109.5ए4	0.01.5	0.04	
				75.1	0.05.0	0.12	
				75.2	0.04.0	0.10	
				75.3	0.02.0	0.05	
				52.1बी	0.03.0	0.08	
				52.2	0.02.0	0.05	
				52.3ए	0.04.5	0.11	
				51.1ए	0.03.0	0.08	
				110.5	0.03.0	0.08	
				110.6बी1	0.02.0	0.05	
				110.6बी2	0.02.0	0.05	
				110.14	0.01.0	0.02	
				110.15	0.08.0	0.20	
				110.16	0.08.0	0.20	
				113.1बी	0.01.5	0.04	
				113.2	0.06.5	0.16	
				113.4बी	0.01.5	0.04	
				113.5बी	0.02.0	0.05	
				113.8ए	0.01.5	0.04	
				113.8बी	0.01.5	0.04	
				113.9	0.01.0	0.02	
				113.10ए	0.03.0	0.08	
				113.11	0.05.6	0.12	
				113.14	0.07.5	0.19	
				48.1	0.05.0	0.12	
				36.12	0.04.5	0.11	
				37.2ए	0.02.0	0.05	
				35.2सी	0.02.5	0.06	
				35.3	0.06.0	0.14	
				124.1	0.05.5	0.13	

1	2	3	4	5	6	7	8
				124.5	0.05.5	0.13	
				125.3बी	0.04.0	0.10	
				125.4	0.06.0	0.14	
				128.1ए	0.01.5	0.04	
				128.1सी	0.04.5	0.11	
				128.3	0.11.0	0.27	
				129.3	0.03.0	0.08	
तमिलनाडु	नागई-क्वैड-ई-मिल्लैथ	थिरुवारूर	37, वैनकाटेश्वरापुरम	6.1	0.03.5	0.09	
				6.3	0.00.5	0.01	
				41.8	0.02.0	0.05	
				40.2	0.05.5	0.13	
				40.5ए	0.03.5	0.09	
				40.5सी	0.03.5	0.09	
				40.5डी	0.04.5	0.11	
				40.5ई	0.02.0	0.05	
				40.8ए	0.03.5	0.09	
				40.8बी	0.02.0	0.05	
				40.6	0.02.0	0.05	
				39.2ए	0.07.5	0.18	
				39.2बी1	0.02.0	0.05	
				39.2बी2	0.02.5	0.06	
				39.3/3	0.06.5	0.16	
				39.4	0.07.0	0.17	
				38.2	0.01.5	0.04	
				38.4	0.02.5	0.06	
				38.5	0.03.0	0.07	
				38.6	0.06.5	1.16	
				38.7	0.12.0	0.30	
				35.3	0.04.0	0.10	
				35.4	0.08.0	0.20	
				35.5ए	0.07.0	0.17	
				35.5बी	0.07.5	0.18	
				56.2	0.02.0	0.05	
				55.3	0.04.0	0.10	
				55.7	0.01.0	0.02	
				54.2	0.03.0	0.08	
				54.3	0.03.5	0.09	
				54.4	0.04.0	0.10	
				54.5	0.06.0	0.15	
				53.2	0.11.0	0.27	
				53.5	0.07.0	0.17	
				53.6ए	0.01.5	0.04	
				53.6बी	0.01.5	0.04	
				53.10	0.01.0	0.02	

1	2	3	4	5	6	7
तमिलनाडू	नागई-क्वैड-ई-मिल्लये थिरुवारूर	37, वैतकाट्टेस्वरापुरम	52.2	0.02.0	0.05	
			52.4	0.03.0	0.07	
			52.5	0.03.0	0.08	
			52.7	0.01.5	0.04	
			52.8	0.01.5	0.04	
			58.8	0.00.5	0.01	
			51.1	0.08.0	0.20	
			51.2	0.10.0	0.25	
			51.3	0.01.0	0.02	
			88.1ए	0.09.5	0.23	
			88.1बी	0.00.5	0.01	
			88.4	0.01.0	0.02	
			88.5	0.05.0	0.12	
			88.6	0.04.0	0.10	
			88.7	0.08.0	0.20	
			88.8	0.01.0	0.02	
			88.9	0.04.5	0.11	
			92	0.06.0	0.15	
			91	0.03.0	0.07	

[सं. एल-14016/15/94-जी.पी.]

अर्धेन्दु सेन, निदेशक

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 12th February, 1997

S.O. 544.—Whereas by notification of the Govt. of India in the Ministry of Petroleum and Natural Gas S.O. No. 3373 dated 28-11-96 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Govt. declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of the power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the GAS AUTHORITY OF INDIA LTD. free from all encumbrances.

SCHEDULE

Kamalapuram Early Production System to Aaliyakamangalam, G.G.S. Gas Pipe Line Project

State	District	Taluk	Village No. & Name	Survey Number	Extent	Remarks
					In Hectares	In Acre Cent
1	2	3	4	5	6	7
Tamil Nadu	Nagai Quaid-E-Milleth.	Tiruvarur	36-Alivalam	89.2	0 07.5	0 18
				89.3	0.03.0	0.08
				89.4	0 05.5	0.16
				94.6A2	0.01.0	0 02

1	2	3	4	5	6	7	8
Tamil Nadu	Nagai Quaid-E-Milleth	Tiruvarur	36-Alivaram	94.8	0 03 0	0.08	
				94.9	0 15 0	0.37	
				94.10	0 00 5	0.01	
				91.1	0 05 0	0.12	
				91.2	0 05 0	0.12	
				84	0 05 0	0.12	
				81.1	0 04 0	0.10	
				81.2	0 05 5	0.16	
				81.5	0 09 0	0.22	
				82.3	0 00 5	0.01	
				82.4A	0 01 0	0.02	
				82.1B1	0 01 5	0.04	
				82.1B2	0 01 0	0.02	
				82.4C	0 04 0	0.10	
				82.5A	0 02 5	0.06	
				82.5B	0 01 5	0.04	
				82.5C	0 03 0	0.08	
				82.6	0 05 5	0.16	
				76.1	0 07 0	0.17	
				76.2A1	0 07 5	0.18	
				76.2A2	0 01 5	0.04	
				109.2C15	0 00 5	0.01	
				109.5A3	0 05 0	0.12	
				109.5A4	0 01 5	0.04	
				75.1	0 05 0	0.12	
				75.2	0 04 0	0.10	
				75.3	0 02 0	0.05	
				52.1B	0 03 0	0.08	
				52.2	0 02 0	0.05	
				52.3A	0 04 5	0.11	
				51.1A	0 03 0	0.08	
				110.5	0 03 0	0.03	
				110.6B1	0 02 0	0.05	
				110.6B2	0 02 0	0.05	
				110.14	0 01 0	0.02	
				110.15	0 08 0	0.20	
				110.16	0 08 0	0.20	
				113.1B	0 01 5	0.04	
				113.2	0 06 5	0.16	
				113.4B	0 01 5	0.04	
				113.5B	0 02 0	0.05	
				113.8A	0 01 5	0.04	
				113.8B	0 01 5	0.04	
				113.9	0 01 0	0.02	
				113.10A	0 03 0	0.08	
				113.11	0 05 6	0.12	
				313.14	0 07 5	0.19	
				48.1	0 05 0	0.12	
				36.12	0 04 5	0.11	
				37.2A	0 02 0	0.05	
				35.2C	0 02 5	0.06	
				35.3	0 06 0	0.14	
				124.1	0 05 5	0.13	
				124.5	0 05 5	0.13	
				125.3B	0 04 0	0.10	
				125.4	0 05 0	0.14	
				128.1A	0 01 5	0.04	
				128.1C	0 04 5	0.11	
				128.3	0 11 0	0.27	
				129.3	0 03 0	0.08	

1	2	3	4	5	6	7	8
Tamil Nadu	Nagai Quaid-E-Milleth	Tiruvarur	37-Venkateswara-puram	6.1	0.03 5	0.09	
				6.3	0.03.5	0.01	
				41.8	0 02.0	0 05	
				40.2	0.05.5	0.13	
				40.5A	3.5	3 09	
				40.5C	0.03.5	0 09	
				40.5D	0 04.5	0.11	
				40.5E	0.02.0	0 05	
				40.8A	0.03 5	0.09	
				40.8B	0.0 0	0.05	
				40.6	0.02.0	0.05	
				39.2A	0.07.5	0 18	
				39.2B1	0 02.0	0.05	
				39.2B2	0.02.5	0 06	
				39.3/3	0.06.5	0 16	
				39.4	0 07 0	0 17	
				38.2	0 01 5	0 04	
				38.4	0 02.5	0 06	
				38.5	0 03.0	0.07	
				38.6	0.05.5	0.16	
				38.7	0 12.0	0.30	
				35.3	0 01.0	0 10	
				35.4	0 08 0	0 20	
				35.5A	0.07.0	0 17	
				35.5B	0.07.5	0.18	
				55.2	3 02.0	0.05	
				55.3	0.04.0	0.10	
				55.7	0.01.0	0.02	
				54.2	0.03.0	0 03	
				54.3	0.03.5	0 09	
				54.4	0 04 0	0 10	
				54.5	0.03.0	0.15	
				53.2	0 11.0	0 27	
				53.5	0.07 0	0 17	
				53.6A	0.01.5	0.04	
				53.6B	0.01.5	0 04	
				53.10	0.01 0	0.02	
				52.2	0.02.0	0.05	
				52.4	0 03.0	0.07	
				52.5	0 03.0	0 03	
				52.7	0.01.5	0 04	
				52.8	0 01.5	0.04	
				58.8	0.00.5	0.01	
				51.1	0.08.0	0 20	
				51.2	0 10.0	0.25	
				51.3	0.01.0	0.02	
				88.1A	0.09.5	0 23	
				88.1B	0.00.5	0 01	
				88.4	0 01.0	0.02	
				88.5	0 05 0	0 12	
				88.6	0 04.0	0.10	
				88.7	0 08.0	0 20	
				88.8	0.01.0	0.02	
				88.9	0.04.5	0 11	
				92	0.06.0	0.15	
				91	0.03.0	0.07	

[N. L-14316/15/94—GP]

Ardayada Sen, Director

नई दिल्ली, 12 फरवरी, 1997

का०आ० . 545.:—चूँकि केन्द्रीय सरकार को यह प्रतीत होता है कि जनहित में यह आवश्यक है कि बम्बेड़ा से आगरा-फिरोजाबाद गैस पाइप लाइन उ०प्र० राज्य तक पेट्रोलियम और प्राकृतिक गैस के परिवहन के लिए पाइपलाइन गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा बिछाई जानी चाहिए।

और चूंकि यह प्रतीत होता है कि ऐसी लाइन को बिछाने के प्रयोजन के लिए एतद्पावद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ।

अतः, अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्द्वारा घोषित करती है ।

बशर्ते कि उक्त भूमि में हितवन् कोई व्यक्ति, उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लिमिटेड, नोएडा (उत्तर प्रदेश) को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा ।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चितः यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत ।

अनुसूची

ब्लॉक—आगरा—फिरोजाबाद गैस पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	गाटा सं०	अर्जित क्षेत्र हेक्टेअर में	अन्य	विवरण
फिरोजाबाद	फिरोजाबाद		अलीनगर कैंजरा	465	0.0450		
				466	0.2013		
				464	0.0675		
				462	0.0216		
				454	0.0640		
				453	0.0180		
				455	0.1980		
				443	0.3440		
				526	0.1120		
				527	0.0700		
				528	0.1960		
				429	0.0036		
				रास्ता	0.0450		
					या		
					3.4248 एकड़		
					या		
					5 बीघा बिस्वा 11 बिस्वांसी		

[एल-14016/10/96 जी पी]

अधेम्बु सेन, निदेशक

New Delhi, the 12th February, 1997

S.O. 545.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum and Natural Gas from Bajhera to Agra-Firozabad Gas Pipeline in U.P. State pipeline should be laid by the Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of

the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. Noida (U.P.).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

CASE SCHEDULE
BAJHERA—AGRA—FIROZABAD GAS PIPE LINE PROJECT

District	TEHSIL	PARGANA	VILLAGE	PLOT No.	ACQUIRED Hectares	Area in Remarks
Firozabad	Firozabad	Alinagar Kenjra		465	0.0450	
				466	0.2013	
				464	0.0675	
				462	0.0216	
				454	0.0640	
				453	0.0180	
				455	0.1980	
				443	0.3440	
				526	0.1120	
				527	0.0700	
				528	0.1960	
				429	0.0036	
				Road	0.0450	
					1.3860 Hectare	
					3.4248 Acre	
					5 Bigha 9 Biswa 11 biswansi	
					[No L-14016/10/96 GP]	
					ARDHENDU SEN, Director	

नई दिल्ली, 18 फरवरी, 1997

का.आ. 546—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाईपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 3245 तारीख 14 नवम्बर, 1996 द्वारा पेट्रोलियम का परिवहन आन्ध्र प्रदेश राज्य में विशाखापट्टनम से विजयवाड़ा को करने के लिये, हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड द्वारा पाईप-लाइन बिछाने के प्रयोजनार्थ उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 27 दिसम्बर, 1996 को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् यह निश्चय कर लिया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाये ;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाईपलाइन बिछाने के लिये उपयोग का अधिकार अर्जित किया जाता है ;

और आगे, केन्द्रीय सरकार, उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग के अधिकार, इस घोषणा के प्रकाशन की इस तारीख से केन्द्रीय सरकार में विहित होने की बजाय सभी विलंगमों से मुक्त होकर हिन्दुस्तान पेट्रोलियम कार्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

मण्डल : अंगारेड्डिगुड्डेम

जिला : पश्चिम गोदावरी

राज्य : आन्ध्र प्रदेश

ग्राम	सर्वे नं./सब डिविजन	क्षेत्रफल	हैक्टेयर	आर	एकड़	सेण्ट
(1)	(2)		(3)	(4)	(5)	(6)
केतावरम	564/3 सी	भाग	00	23.5	00	58
	458	भाग	00	54.0	01	33
	416/2	भाग	00	10.0	00	25

(1)	(2)		(3)	(4)	(5)	(6)
केतावरम (जारी)	416/3	भाग	00	14. 0	00	34
	407/3	भाग	00	03. 0	00	08
तिरुमलापुरम	565/2	भाग	00	35. 0	00	87
	509/1	भाग	00	10. 5	00	26
	249	भाग	00	15. 0	00	37
	485/2	भाग	00	02. 0	00	05
	483/1	भाग	00	22. 0	00	55
	352/4	भाग	00	09. 5	00	23
	340/1	भाग	00	33. 5	00	82
गुरुवायिगुडेम	530/1	भाग	00	32. 5	00	80
	528	भाग	00	46. 0	01	14
	517	भाग	00	35. 0	00	86
	509/6	भाग	00	06. 5	00	16
	507/5	भाग	00	09. 5	00	24
	548	भाग	00	01. 5	00	04
	386/2	भाग	00	16. 0	00	40
लक्काचरम	174/3ए	भाग	00	03. 0	00	07
	126/1	भाग	00	05. 5	00	14
	53/7	भाग	00	08. 0	00	20
	73/1	भाग	00	06. 5	00	16
	74/1	भाग	00	65. 5	01	62

[फा.सं. : भार-31015/16/95-ओ भार-II]

के. सी. कटोच, प्रवर सचिव

New Delhi, the 18th February, 1997

S. O. 546.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.3245 dated the 14th November, 1996 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the Right of User in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines for transport of Petroleum from Visakhapatnam to Vijayawada in the State of Andhra Pradesh by Hindustan Petroleum Corporation Limited ;

And whereas, copies of the said Gazette notification were made available to the public on the 27th day of December, 1996 ;—

And whereas, the Competent Authority has under sub-section (1) of Section 6 of the said Act submitted his report to the Central Government ;

And whereas, the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines ;

And, further, in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government, vest on this date of the publication of this declaration in the Hindustan Petroleum Corporation Limited free from all encumbrances.

SCHEDULE

Mandal : Jangareddigudem

District : West Godavari

State : Andhra Pradesh

Name of Village	Survey No./Sub Division		Area			
			Hectare	Ares	Acres	Cent
(1)	(2)		(3)	(4)	(5)	(6)
Kethavaram	564/3C	Part	00	23.5	00	58
	458	Part	00	54.0	01	33
	416/2	Part	00	10.0	00	25
	416/3	Part	00	14.0	00	34
	407/3	Part	00	03.0	00	80
Tirumalapuram	565/2	Part	00	35.0	00	87
	509/1	Part	00	10.5	00	26
	249	Part	00	15.0	00	37
	485/2	Part	00	02.0	00	05
	483/1	Part	00	22.0	00	55
	352/4	Part	00	09.5	00	23
	340/1	Part	00	33.5	00	82
Guravaigudem	530/1	Part	00	32.5	00	30
	528	Part	00	46.0	01	14
	517	Part	00	35.0	00	86
	509/6	Part	00	06.5	00	16
	507/5	Part	00	09.5	00	24
	548	Part	00	01.5	00	04
	386/2	Part	00	16.0	00	40
Lakkavaram	174/3A	Part	00	03.0	00	57
	126/1	Part	00	05.5	00	14
	53/7	Part	00	08.0	00	20
	73/1	Part	00	06.5	00	16
	74/1	Part	00	65.5	01	62

[F.No. R-31015/16/95-OR II]

K. C. KATOCH, Under Secy.

नई दिल्ली, 18 फरवरी, 1997

का०आ०. 547 :—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का०आ० 2654, तारीख 23 अगस्त, 1996 द्वारा पेट्रोलियम का परिवहन आन्ध्र प्रदेश राज्य में विशाखापट्टनम् से विजयवाड़ा को करने के लिए, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजनार्थ उक्त अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी।

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 7 दिसम्बर, 1996 को उपलब्ध करा दी गयी थी ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् यह विनिश्चय कर लिया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाए।

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइप लाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है।

और आगे, केन्द्रीय सरकार उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग के अधिकार, इस घोषणा के प्रकाशन की इस तारीख से केन्द्रीय सरकार में निहित होने की बजाए सभी विल्लंगमों से मुक्त होकर हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

मण्डल : रेड्डीगुडम

राज्य : आन्ध्र प्रदेश

जिला : कृष्णा

ग्राम	सर्वे नं०/सब डिविजन		क्षेत्रफल			
			हेक्टेयर	आर	एकड़	सेण्ट
1	2	3	4	5	6	7
मूचनापल्ली	480/1	भाग	00	33.0	00	82
	480/2	भाग	00	14.0	00	35
	477/2	भाग	00	10.0	00	25
	486/1	भाग	00	13.0	00	32
	486/2	भाग	00	09.5	00	24
	486/3	भाग	00	08.0	00	20
	486/4	भाग	00	07.0	00	17
	486/5	भाग	00	01.0	00	03
	487/5	भाग	00	11.5	00	28
	487/6	भाग	00	23.0	00	57
	487/7	भाग	00	03.0	00	08
	487/8	भाग	00	09.5	00	23
	488	भाग	00	00.5	00	01
	496/3बी	भाग	00	16.5	00	39
	494/2	भाग	00	18.0	00	45
	494/3	भाग	00	11.5	00	29
	494/4	भाग	00	14.0	00	35
	513/1	भाग	00	21.5	00	52
	513/2	भाग	00	21.5	00	52
	509	भाग	00	00.5	00	01
	507/2	भाग	00	02.5	00	06
	507/3	भाग	00	35.0	00	86
	506/2	भाग	00	04.0	00	09
	506/3	भाग	00	24.0	00	59
	370/3	भाग	00	14.0	00	35
	369/1	भाग	00	17.0	00	42
	368/1	भाग	00	18.5	00	46
	355/2	भाग	00	10.5	00	26
	355/3	भाग	00	16.0	00	40
	356/1	भाग	00	01.0	00	03
	354	भाग	00	33.5	00	82
	358	भाग	00	06.0	00	15

1	2	3	4	5	6	
मुचनापल्ली (संतत)	359/1	भाग	00	10.0	00	25
	359/2	भाग	00	10.5	00	25
	359/3	भाग	00	06.0	00	15
	360/2	भाग	00	11.5	00	29
	342/1	भाग	00	02.5	00	06
	342/2	भाग	00	20.5	00	51
	342/3	भाग	00	03.0	00	08
	300/4	भाग	00	14.0	00	35
	301/3	भाग	00	07.0	00	17
	301/4	भाग	00	05.5	00	14
	301/5	भाग	00	06.5	00	16
	301/1	भाग	00	06.0	00	15
	302/1	भाग	00	04.5	00	11
	302/2	भाग	00	29.0	00	72
	334/1	भाग	00	08.5	00	21
	312/1	भाग	00	08.0	00	20
	312/2	भाग	00	09.0	00	22
	312/4	भाग	00	08.5	00	21
	312/5	भाग	00	26.0	00	64
	317/1	भाग	00	12.5	00	31
	317/2	भाग	00	12.0	00	30
	318	भाग	00	32.0	00	79
	319/2	भाग	00	05.5	00	14
	320	भाग	00	30.0	00	74
	260/2	भाग	00	23.5	00	58
	257/1	भाग	00	21.5	00	53
	257/2	भाग	00	11.0	00	27
	255/1	भाग	00	06.0	00	15
	253/2	भाग	00	22.0	00	54
	254/2	भाग	00	15.5	00	38
	254/3	भाग	00	08.5	00	21
कुनपाराजुपवा	14/10	भाग	00	06.0	00	15
	14/20	भाग	00	05.0	00	14
	14/3	भाग	00	24.0	00	60
	12/1	भाग	00	23.0	00	56
	12/4	भाग	00	09.5	00	24
	12/5	भाग	00	00.5	00	01
	11/1	भाग	00	39.5	00	98
	10/1	भाग	00	15.5	00	38
	9/3	भाग	00	27.5	00	68
	8/2	भाग	00	03.0	00	07
	8/3	भाग	00	20.0	00	50
	8/4	भाग	00	05.5	00	13
	243/1	भाग	00	16.5	00	41

1	2	3	4	5	6	
કુડાપા	242/2	ભાગ	00	43.5	01	08
	237/1	ભાગ	00	08.5	00	21
	237/2	ભાગ	00	00.5	00	01
	230/3	ભાગ	00	16.5	00	41
	233/2	ભાગ	00	03.0	00	07
	233/3	ભાગ	00	20.0	00	50
	234/1	ભાગ	00	09.5	00	23
	234/2	ભાગ	00	09.0	00	22
	234/3	ભાગ	00	01.5	00	04
	234/5	ભાગ	00	03.5	00	09
	210	ભાગ	00	04.0	00	09
	211/1	ભાગ	00	00.5	00	01
	211/2	ભાગ	00	16.5	00	41
	232/5	ભાગ	00	07.0	00	17
	212/1	ભાગ	00	00.5	00	01
	212/2	ભાગ	00	17.0	00	42
	212/3	ભાગ	00	13.0	00	32
	72/2	ભાગ	00	28.5	00	70
	72/3૦	ભાગ	00	16.0	00	40
	72/3૩ી	ભાગ	00	14.0	00	34
	80	ભાગ	00	09.5	00	23
	79/2	ભાગ	00	18.0	00	45
	79/3૦	ભાગ	00	08.0	00	20
	79/3૬ી	ભાગ	00	07.0	00	17
	79/3૬	ભાગ	00	00.5	00	01
	78/1	ભાગ	00	01.0	00	02
	84/1સી	ભાગ	00	12.0	00	30
	84/2	ભાગ	00	26.0	00	64
	110	ભાગ	00	42.5	01	05
	108	ભાગ	00	24.0	00	59
	107/2૦	ભાગ	00	07.5	00	19
	107/2૩ી	ભાગ	00	03.5	00	09
	117/2૦	ભાગ	00	13.5	00	33
	117/2૩ી	ભાગ	00	25.0	00	62
	122/1	ભાગ	00	18.5	00	46
	122/2	ભાગ	00	16.0	00	40
	123	ભાગ	00	18.0	00	45
	126/1૦	ભાગ	00	04.0	00	10
	126/4૦	ભાગ	00	03.5	00	09
	125/2	ભાગ	00	02.0	00	05
	125/3	ભાગ	00	05.5	00	14
	125/1	ભાગ	00	10.0	00	25
	125/4	ભાગ	00	06.5	00	16
	125/5	ભાગ	00	06.5	00	16
	125/6	ભાગ	00	02.5	00	06
	125/7	ભાગ	00	00.5	00	01
	125/8	ભાગ	00	01.5	00	04

भाग 11-खंड 3 (11)

1	2	3	4	5	6	
रुद्रावरम	38/1	भाग	00	04.0	00	10
	38/2	भाग	00	01.0	00	03
	37/1	भाग	00	03.5	00	09
	36/2ए	भाग	00	02.5	00	06
	4/1ए	भाग	00	00.5	00	01
	4/1बी	भाग	00	14.0	00	35
	4/1सी	भाग	00	06.0	00	15
	4/2	भाग	00	12.0	00	30
	3/10	भाग	00	07.5	00	19
	8/1	भाग	00	04.0	00	10
	8/2ई	भाग	00	03.0	00	07
	8/2डी	भाग	00	02.5	00	06
	6/5	भाग	00	08.5	00	21
	6/6	भाग	00	04.5	00	11
	6/7	भाग	00	15.5	00	38
	6/8	भाग	00	04.0	00	10
	6/9	भाग	00	10.5	00	26
	22/2	भाग	00	09.0	00	22
	22/3	भाग	00	00.5	00	01
	18/2	भाग	00	15.0	00	37
	21/1	भाग	00	08.0	00	20
	21/2	भाग	00	08.0	00	20
	21/5	भाग	00	01.0	00	03
	21/4	भाग	00	12.5	00	31
	21/3	भाग	00	04.0	00	10
	235/2	भाग	00	18.0	00	44
	235/3	भाग	00	36.5	00	90
	235/4ए	भाग	00	06.5	00	16
	235/4बी	भाग	00	20.0	00	50
	235/6ए	भाग	00	00.5	00	01
	243/1	भाग	00	36.5	00	88
	243/3	भाग	00	10.0	00	25
	262/1	भाग	00	05.5	00	13
	262/2	भाग	00	15.0	00	37
	263/5	भाग	00	26.5	00	65
	265/1	भाग	00	22.5	00	55
	265/5	भाग	00	21.5	00	53
	264/3	भाग	00	03.0	00	08
	273/3	भाग	00	18.0	00	44
	273/2	भाग	00	00.5	00	01
	273/4	भाग	00	00.5	00	01
	273/1	भाग	00	11.5	00	29
	274/1ए	भाग	00	30.5	00	76
	274/2ए	भाग	00	01.5	00	04
	286/1बी1	भाग	00	05.0	00	12
	286/1बी3	भाग	00	09.0	00	22
	286/2	भाग	00	03.0	00	08

New Delhi, the 18th February, 1997

S. O. 547.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2654 dated the 23rd August, 1996 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the Right of User in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines for transport of Petroleum from Visakhapatnam to Vijayawada in the State of Andhra Pradesh by Hindustan Petroleum Corporation Limited ;

And whereas, copies of the said Gazette notification were made available to the public on the 7th day of December, 1996 :

And whereas, the Competent Authority has under sub-section (1) of Section 6 of the said Act submitted his report to the Central Government ;

And whereas, the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines ;

And, further, in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government, vest on this date of the publication of this declaration in the Hindustan Petroleum Corporation Limited free from all encumbrances.

SCHEDULE

Mandal : Reddigudem

District : Krishna

State : Andhra Pradesh

Name of Village	Survey No./Sub Division		Area			
			Hectare	Ares	Acres	Cents
(1)	(2)		(3)	(4)	(5)	(6)
Muchonapalli	480/1	Part	00	33.0	00	82
	480/2	Part	00	14.0	00	35
	477/2	Part	00	10.0	00	25
	486/1	Part	00	13.0	00	32
	486/2	Part	00	09.5	00	24
	486/3	Part	00	08.0	00	20
	486/4	Part	00	07.0	00	17
	486/5	Part	00	01.0	00	03
	487/5	Part	00	11.5	00	28
	487/6	Part	00	23.0	00	57
	487/7	Part	00	03.0	00	08
	487/8	Part	00	09.5	00	23
	488	Part	00	00.5	00	01
	496/3B	Part	00	16.5	00	39
	494/2	Part	00	18.0	00	45
	494/3	Part	00	11.5	00	29
	494/4	Part	00	14.0	00	35
	513/1	Part	00	21.5	00	52
	513/2	Part	00	21.5	00	52
	509	Part	00	00.5	00	01
	507/2	Part	00	02.5	00	06
	507/3	Part	00	35.0	00	86
	506/2	Part	00	04.0	00	09
	506/3	Part	00	24.0	00	59
	370/3	Part	00	14.0	00	35
	369/1	Part	00	17.0	00	42
	368/1	Part	00	18.5	00	46
	355/2	Part	00	10.5	00	26
	355/3	Part	00	16.0	00	40
	356/4	Part	00	01.0	00	03
	354	Part	00	33.5	00	82
	358	Part	00	06.0	00	15

(1)	(2)	(3)	(4)	(5)	(6)
Muchenapalli —(Contd.)	359/1	Part	00	10.0	00 25
	359/2	Part	00	10.5	00 25
	359/3	Part	00	06.0	00 15
	360/2	Part	00	11.5	00 29
	342/1	Part	00	02.5	00 06
	342/2	Part	00	20.5	00 51
	342/3	Part	00	03.0	00 08
	300/4	Part	00	14.0	00 35
	301/3	Part	00	07.0	00 17
	301/4	Part	00	05.5	00 14
	301/5	Part	00	06.5	00 16
	301/1	Part	00	06.0	00 15
	302/1	Part	00	04.5	00 11
	302/2	Part	00	29.0	00 72
	334/1	Part	00	08.5	00 21
	312/1	Part	00	08.0	00 20
	312/2	Part	00	09.0	00 22
	312/4	Part	00	08.5	00 21
	312/5	Part	00	26.0	00 64
	317/1	Part	00	12.5	00 31
	317/2	Part	00	12.0	00 30
	318	Part	00	32.0	00 79
	319/2	Part	00	05.5	00 14
	320	Part	00	30.0	00 74
	260/2	Part	00	23.5	00 58
	257/1	Part	00	21.5	00 53
	257/2	Part	00	11.0	00 27
	255/1	Part	00	06.0	00 15
	253/2	Part	00	22.0	00 54
	254/2	Part	00	15.5	00 38
	254/3	Part	00	08.5	00 21
Kunaparajuparva	14/1A	Part	00	06.0	00 15
	14/2A	Part	00	05.0	00 14
	14/3	Part	00	24.0	00 60
	12/1	Part	00	23.0	00 56
	12/4	Part	00	09.5	00 24
	12/5	Part	00	00.5	00 01
	11/1	Part	00	39.5	00 98
	10/1	Part	00	15.5	00 38
	9/3	Part	00	27.5	00 68
	8/2	Part	00	03.0	00 07
	8/3	Part	00	20.0	00 50
Kudapa	8/4	Part	00	05.5	00 13
	243/1	Part	00	16.5	00 41
	242/2	Part	00	43.5	01 08
	237/1	Part	00	08.5	00 21
	237/2	Part	00	00.5	00 01
	230/3	Part	00	16.5	00 41
	233/2	Part	00	03.0	00 07
	233/3	Part	00	20.0	00 50
	234/1	Part	00	09.5	00 23
	234/2	Part	00	09.0	00 22
	234/3	Part	00	01.5	00 04

(1)	(2)	(3)	(4)	(5)	(6)
Kudapa—(Contd.)	234/5	Part	00	03.5	00 09
	210	Part	00	04.0	00 09
	211/1	Part	00	00.5	00 01
	211/2	Part	00	16.5	00 41
	232/5	Part	00	07.0	00 17
	212/1	Part	00	00.5	00 01
	212/2	Part	00	17.0	00 12
	212/3	Part	00	13.0	00 32
	72/2	Part	00	28.5	00 70
	72/3A	Part	00	16.0	00 40
	72/3B	Part	00	14.0	00 34
	80	Part	00	09.5	00 23
	79/2	Part	00	18.0	00 45
	79/3A	Part	00	08.0	00 20
	79/3D	Part	00	07.0	00 17
	79/3E	Part	00	00.5	00 01
	78/1	Part	00	01.0	00 02
	84/1C	Part	00	12.0	00 30
	84/2	Part	00	26.0	00 64
	110	Part	00	42.5	01 05
	108.	Part	00	24.0	00 59
	107/2A	Part	00	07.5	00 19
	107/2B	Part	00	03.5	00 09
	117/2A	Part	00	13.5	00 33
	117/2B	Part	00	25.0	00 62
	122/1	Part	00	18.5	00 46
	122/2	Part	00	16.0	00 40
	123	Part	00	18.0	00 45
	126/1A	Part	00	04.0	00 10
	126/4A	Part	00	03.5	00 09
	125/2	Part	00	02.0	00 05
	125/3	Part	00	05.5	00 14
	125/1	Part	00	10.0	00 25
	125/4	Part	00	06.5	00 16
	125/5	Part	00	06.5	00 16
	125/6	Part	00	02.5	00 06
	125/7	Part	00	00.5	00 01
	125/8	Part	00	01.5	00 04
Rudravaram	38/1	Part	00	04.0	00 10
	38/2	Part	00	01.0	00 03
	37/1	Part	00	03.5	00 09
	36/2A	Part	00	02.5	00 06
	4/1A	Part	00	00.5	00 01
	4/1B	Part	00	14.0	00 35
	4/1C	Part	00	06.0	00 15
	4/2	Part	00	12.0	00 30
	3/10	Part	00	07.5	00 19
	8/1	Part	00	04.0	00 10
	8/2E	Part	00	03.0	00 07
	8/2D	Part	00	02.5	00 06
	6/5	Part	00	08.5	00 21
	6/6	Part	00	04.5	00 11
	6/7	Part	00	15.5	00 38

(1)	(2)	(3)	(4)	(5)	(6)	
Rudravaram (Contd.)	6/8	Part	00	04.0	00	10
	6/9	Part	00	10.5	00	26
	22/2	Part	00	09.0	00	22
	22/3	Part	00	00.5	00	01
	18/2	Part	00	15.0	00	37
	21/1	Part	00	08.0	00	20
	21/2	Part	00	08.0	00	20
	21/5	Part	00	01.0	00	03
	21/4	Part	00	12.5	00	31
	21/3	Part	00	04.0	00	10
	235/2	Part	00	18.0	00	44
	235/3	Part	00	36.5	00	90
	235/4A	Part	00	06.5	00	16
	235/4B	Part	00	20.0	00	50
	235/6A	Part	00	00.5	00	01
	243/1	Part	00	36.5	00	88
	243/3	Part	00	10.0	00	25
	262/1	Part	00	05.5	00	13
	262/2	Part	00	15.0	00	37
	263/5	Part	00	26.5	00	65
	265/1	Part	00	22.5	00	55
	265/5	Part	00	21.5	00	53
	264/3	Part	00	03.0	00	08
	273/3	Part	00	18.0	00	44
	273/2	Part	00	00.5	00	01
	273/4	Part	00	00.5	00	01
	273/1	Part	00	11.5	00	29
	274/1A	Part	00	30.5	00	76
	274/2A	Part	00	01.5	00	04
	286/1B1	Part	00	05.0	00	12
	286/1B3	Part	00	09.0	00	22
	286/2	Part	00	03.0	00	08

[F. No. R-31015/7/96-OR II]
K. C. KATOCH, Under Secy.

नई दिल्ली, 18 फरवरी, 1997

का०आ० 548:—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का०आ० 3247 तारीख 23 नवम्बर, 1996 द्वारा पेट्रोलियम का परिवहन आन्ध्र प्रदेश राज्य में विशाखापट्टनम से विजयवाड़ा को करने के लिए, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजनार्थ उक्त अधिसूचना से संलग्न अनुसूची में, विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 28 दिसम्बर, 1996 को उपलब्ध करा दी गयी थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् यह विनिश्चय कर लिया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाए;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइप लाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है।

श्रीर प्रागे, केन्द्रीय सरकार, उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग के अधिकार, इस घोषणा के प्रकाशन की इस तारीख से केन्द्रीय सरकार में निहित होने की बजाए सभी विल्लगनों से मुक्त होकर हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

मण्डल : कोटान्तूरु

जिला : पूर्व गोदावरी

राज्य : आन्ध्र प्रदेश

ग्राम	सर्वे नं०/ सब डिविजन		क्षेत्रफल			
			हेक्टेयर	आर	एकड़	सेण्ट
(1)	(2)		(3)	(4)	(5)	(6)
कोटान्तूरु	16/1	भाग	00	00.5	00	01
	3/2बी	भाग	00	03.5	00	09
लक्ष्मीदेवीपेटा के ई. खिन्नय्यपालेम	20/7	भाग	00	05.5	00	13
	23/2	भाग	00	09.0	00	22
	28/1	भाग	00	18.5	00	46
	33/2	भाग	00	28.5	00	69
	67/1	भाग	00	05.5	00	14
	90	भाग	00	00.5	00	01
	93/11	भाग	00	01.5	00	04
	95/2	भाग	00	03.0	00	08
	139/1	भाग	00	08.0	00	20
	139/2	भाग	00	03.0	00	05
	140	भाग	00	10.0	00	25
राजावरम	189/4	भाग	00	06.5	00	16
	200/2	भाग	00	15.0	00	37
	200/3	भाग	00	03.0	00	08
गंगावरम	54/4सी	भाग	00	06.0	00	15
	55/5	भाग	00	04.0	00	10
	56/12	भाग	00	09.5	00	23
	58/2बी	भाग	00	08.0	00	20
	58/3बी	भाग	00	08.5	00	21
	80/2बी	भाग	00	05.5	00	13
	80/3बी	भाग	00	03.5	00	09
	80/4बी	भाग	00	14.5	00	36
	80/5बी	भाग	00	10.0	00	25
	81/1सी	भाग	00	08.0	00	20
	81/2	भाग	00	04.0	00	10
	81/4बी	भाग	00	05.0	00	12
	81/5बी	भाग	00	05.0	00	12
	81/6सी	भाग	00	04.5	00	11
	56/1	भाग	00	01.5	00	04
	56/11	भाग	00	00.5	00	01

(1)	(2)	(3)	(4)	(5)	(6)	
रामकृष्णपुरम	117/4	भाग	00	08.5	00	21
	114/4	भाग	00	18.0	00	45
	115	भाग	00	13.5	00	33
	119/2सी 1	भाग	00	02.0	00	05
	119/2सी 2	भाग	00	15.0	00	36
कोत्तरु	137/3	भाग	00	09.0	00	23
	137/6	भाग	00	03.0	00	08
	137/7	भाग	00	04.0	00	10
	137/9बी	भाग	00	14.0	00	34
	149/6ए	भाग	00	03.0	00	08
मुल्गापूडि	149/6सी	भाग	00	01.0	00	02
	151/1	भाग	00	02.0	00	05
	87/6बी	भाग	00	20.5	00	51
	95/2	भाग	00	43.0	01	06
	147/1	भाग	00	37.0	00	92
	147/2	भाग	00	01.0	00	03
	153	भाग	00	18.0	00	45
	157/2	भाग	00	23.5	00	56
	188	भाग	00	01.0	00	03
	193/1	भाग	00	05.5	00	13
	193/2	भाग	00	12.0	00	30
	195	भाग	00	37.0	00	92
	204/1	भाग	00	19.5	00	47
	205/3सी	भाग	00	06.5	00	16
	205/6डी	भाग	00	19.5	00	48
वलरामपुरम	205/2सी	भाग	00	06.5	00	16
	27/2बी	भाग	00	20.0	00	50
	27/4बी	भाग	00	22.0	00	56
गुम्मरेगुल	30/1	भाग	00	17.0	00	42
	34/1	भाग	00	01.0	00	03
	59/2	भाग	00	39.5	00	97
	36/1	भाग	00	11.5	00	29
	66	भाग	00	30.5	00	76
	28	भाग	00	12.0	00	30

[फा० सं० : आर०-31015/15/95-प्रोग्रार-II]

के० सी० कटोच, अवर सचिव

New Delhi, the 18th February, 1997

S. O. 548.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 3247 dated the 23rd November, 1996 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the Right of User in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines for transport of Petroleum from Visakhapatnam to Vijayawada in the State of Andhra Pradesh by Hindustan Petroleum Corporation Limited ;

And whereas, copies of the said Gazette notification were made available to the public on the 28th day of December, 1996 ;

371 GI/97-6

And whereas, the Competent Authority has under sub-section (1) of Section 6 of the said Act submitted his report to the Central Government ;

And whereas, the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines ;

And, further, in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government, vest on this date of the publication of this declaration in the Hindustan Petroleum Corporation Limited free from all encumbrances.

SCHEDULE

Mandal : Kotananduru

District : East Godavari

State : Andhra Pradesh

Name of Village	Survey No./ Sub Division		Area			
			Hectare	Ares	Acres	Cents
1	2		3	4	5	6
Kotananduru	16/1	Part	00	00.5	00	01
	3/2B	Part	00	03.5	00	09
Lakshmidvipeta	20/7	Part	00	05.5	00	13
K. E. Chinnaiahpalem	23/2	Part	00	09.0	00	22
	28/1	Part	00	18.5	00	46
	33/2	Part	00	28.5	00	69
	67/1	Part	00	05.5	00	14
	90	Part	00	00.5	00	01
	93/11	Part	00	01.5	00	04
	95/2	Part	00	03.0	00	08
	139/1	Part	00	08.0	00	20
	139/2	Part	00	03.0	00	08
	140	Part	00	10.0	00	25
Rajavaram	189/4	Part	00	06.5	00	16
	200/2	Part	00	15.0	00	37
	200/3	Part	00	03.0	00	08
Gangavaram	54/4C	Part	00	06.0	00	15
	55/5	Part	00	04.0	00	10
	56/12	Part	00	09.5	00	23
	58/2B	Part	00	08.0	00	20
	58/3B	Part	00	08.5	00	21
	80/2B	Part	00	05.5	00	13
	80/3B	Part	00	03.5	00	09
	80/4B	Part	00	14.5	00	36
	80/5B	Part	00	10.0	00	25
	81/1C	Part	00	08.0	00	20
	81/2	Part	00	04.0	00	10
	81/4B	Part	00	05.0	00	12
	81/5B	Part	00	05.0	00	12
	81/6C	Part	00	04.5	00	11
	56/1	Part	00	01.5	00	04
	56/11	Part	00	00.5	00	01
Ramakrishnapuram	117/4	Part	00	08.5	00	21
	114/4	Part	00	18.0	00	45
	115	Part	00	13.5	00	33
	119/2C1	Part	00	02.0	00	05
	119/2C2	Part	00	15.0	00	36
Kotturu	137/3	Part	00	09.0	00	23
	137/6	Part	00	03.0	00	08
	137/7	Part	00	04.0	00	10
	137/9B	Part	00	14.0	00	34
	149/6A	Part	00	03.0	00	08
	149/6C	Part	00	01.0	00	02
	151/1	Part	00	02.0	00	05

1	2	3	4	5	6
Mulagapudi	87/6B	Part	00	20.5	00 51
	95/2	Part	00	43.0	01 06
	147/1	Part	00	37.0	00 92
	147/2	Part	00	01.0	00 03
	153	Part	00	18.0	00 45
	157/2	Part	00	23.5	00 56
	188	Part	00	01.0	00 03
	193/1	Part	00	05.5	00 13
	193/2	Part	00	12.0	00 30
	195	Part	00	37.0	00 92
	204/1	Part	00	19.5	00 47
	205/3C	Part	00	06.5	00 16
	205/6D	Part	00	19.5	00 48
	205/2C	Part	00	06.5	00 16
Balarampuram	27/2B	Part	00	20.0	00 50
	27/4B	Part	00	22.0	00 56
	30/1	Part	00	17.0	00 42
Gummuregula	34/1	Part	00	01.0	00 03
	59/2	Part	00	39.5	00 97
	36/1	Part	00	11.5	00 29
	66	Part	00	30.5	00 76
	28	Part	00	12.0	00 30

F.No.R-31015/15/95-OR II]

K.C. KATOCH, Under Secy.

श्रम मंत्रालय

नई दिल्ली, 30 जनवरी, 1997

क्र.सं. 549.-—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबंध तंत्र के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-01-97 को प्राप्त हुआ था ।

[संख्या एल-17012/35/91/आई० आर० (बी० II)]

ब्राजमोहन, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 30th January, 1997

S.O. 549.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure in the industrial dispute between the employers in relation to the management of Life Insurance Corporation of India and their workmen, which was received by the Central Government on 29-1-1997.

[No. L-17012/35/91-IR (B-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMILNADU
MADRAS

Wednesday, the 13th day of November, 1996

PRESENT :

Thiru S. Thangaraj, B.Sc., LL.B., Industrial Tribunal.

Industrial Dispute No. 76 of 1991

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Life Insurance Corporation Ltd., Madras).

BETWEEN

The Workman represented by

The General Secretary,
Life Insurance Corporation, Employees Union,
Bharat Insurance Bldg., (Annexe), 93, Anna Salai,
Madras-2.

AND

The Zonal Manager,
Life Insurance Corporation of India,
102, Anna Salai,
Madras-2.

REFERENCE :

Order No. L-17012/35/91-IR (B-II), Ministry of Labour,
dated 14-11-91, Government of India New Delhi,

This dispute coming on for final hearing on Tuesday, the 24th day of September, 1996 upon perusing the claim and counter statements and all other material papers on record and upon hearing the arguments of Tvl. K. Chandru and D. Bharathy, Advocates appearing for the Workman and of Thiru S. Masilamani Advocate appearing for the management and this dispute having stood over till this day for consideration, this Tribunal made the following

AWARD

Government of India, vide their Order No. I-17012/35/91-IR (B-II), Ministry of Labour, dated 14-11-91, have referred to this Tribunal for adjudication of the following issue :

"Whether the action of the Management of Life Insurance Corporation of India in converting Shri M. V. Janakiraman, from the post of Internal Audit Asstt. (IAA) to H.G.A. (Admn.) Madras Divisional Office without assigning any reason is justified ? If not, what relief is the workman entitled to ?"

2. The main averments found in the claim statement filed by the Petitioner-union are as follows :

The workman concerned in the dispute M. V. Janakiraman joined as Assistant in the Internal Audit Department of the respondent-management on 18-1-60. On 2-1-65, he was appointed as Internal Audit Assistant and was confirmed in the said post w.e.f. 2-7-65. The Internal Audit Assistants are entitled to special allowance and on 12-5-89, the corporation revised the special allowance on the following terms :

"Higher Grade Assistants appointed as Internal Audit Assistants ;

- (a) for the first five years—Rs. 150 p.m.
- (b) for the next five years—Rs. 200 p.m.
- (c) for subsequent years—Rs. 225 p.m.

The special allowance referred to in the above sub-rule shall not be treated as part of the basic pay ; provided that 60 per cent of the special allowance shall count for the purpose of Provident Fund, Gratuity, **House Rent Allowance (HRA) and for re-fixation of salary on Promotion.**"

Since 1967 the post of Internal Audit Assistant is a selection post, and appointments were made to the post by Internal selection from HGA (Admn). Once a person is appointed as Internal Audit Assistant, he was not posted in any other department as special pay was attached to the said post. The special pay was subsequently skilled as special allowance. If any employee working as Internal Audit Assistant sought for a posting on the administration side, an undertaking is obtained from the said employee to forego the special allowance together with corresponding dearness allowance. In certain exigencies, the respondent refused to relieve persons working as Internal Audit Assistants to be posted as HGA (Admn). The two exceptions are promotion and consent transfer. The respondent by an order dated 29-3-39 stated that his post has been converted from Internal Audit Assistants to HGA (Admn). Notice contemplated u/s. 9-A of the Act was given to him and no reason was assigned to him for the unilateral action of the respondent. The petitioner-workman had sent many letters objecting to such a transfer. However, the respondent did not change the said order. The impugned action of the respondent is violative of Art. 14 of the Constitution. It is contrary to the principles of natural justice. The workman was appointed in the post of Internal Audit Assistant 26 years ago and it was not open to the respondent to post him in any other post without his consent. As Internal Audit Assistant, the workman has been receiving the special allowance for over 26 years and the respondent cannot withdraw the allowance without complying provisions of Section 9-A of the I. D. Act, 1947. The respondent cannot say that Internal Audit Assistant is not a functional post. The special allowance will count for gratuity and the withdrawal of special allowance will reduce the claim of gratuity. The action of the respondent is contrary to the existing practice. Award may be passed holding that the conversion is wholly illegal and permit the workman to draw full allowance attached of Internal Audit Assistant w.e.f. 31-5-89 together to the post with penal interest of 12% per annum.

3. The main averments found in the counter filed by the respondent are as follows :

As per Rules HGAs appointed as Internal Audit Assistants are entitled in addition to the scale of pay specified in the rules, special allowance considering the number of days on tour every month. The special allowance so paid was not to be treated as part of the basic pay. The selection to the post of Internal Audit Assistants was made from the category of Assistants who are eligible otherwise, considered for promotion to the cadre of Higher Grade Assistants. It is for the management to decide on the placement of staff considering the needs of various departments, special scales of the incentive to the post over official exigencies. It is not the case of the petitioner that he has not been singled out for transfer nor his transfer was mala fide and discriminatory. Nor it is his intention that his transfer amounts to penalty or victimisation warranting interference by the Courts. The contention of the petitioner that if any person is appointed as Internal Audit Assistant, he is not liable to be posted in any other corresponding post without his consent is totally misconceived. The allegation of the petitioner that the transfer was made without giving any notice under Section 9-A of the I. D. Act, 1917 is without any basis. The petitioner was aware that once he has been transferred from Internal Audit Department, the special allowance that has been paid for particular post will be withdrawn and hence no notice is contemplated for his transfer. In the instant case, the workman was transferred from one post of another in the same cadre and it is only the inter departmental transfer and not a conversion of the post as alleged by the petitioner. The allegation of the petitioner that the transfer is violative of Art. 14 of the Constitution, is not proper. The petitioner has not explained as to how this matter which is administrative, amount to the violation of Constitution. The allegation that the transfer is against the principles of natural justice is not tenable. The ground that the petitioner should have been consulted before transferring to the administrative side will not stand the test of judicial scrutiny. It is for the petitioner to prove that the special allowance paid to the workman is not a functional allowance and the said allowance cannot be paid even after the person ceases to perform that action. There is no merit in the allegations raised by the petitioner. Hence industrial dispute may be dismissed.

4. Two witnesses have been examined on the side of the petitioner. Exs. W-1 to W-19 have been marked. No witness was examined and no documents filed on the side of the respondent.

5. The Point for consideration is : Whether the action of the Management of Life Insurance Corporation of India in converting Shri M. V. Janakiraman from the post of Internal Audit Assistant (IAA) to HGA (Admn.) Madras Divisional Office without assigning any reason is justified ? If not, what relief is the workman entitled to ?

6. The Point : The Insurance Employees' Union, Madras represented by its General Secretary has raised this dispute regarding conversion (transfer) of Shri M. V. Janakiraman from the post of Internal Audit Assistants to HGA (Admn). Shri M. V. Janakiraman, joined the respondent-Corporation on 18-1-60. Subsequently he was promoted as Internal Audit Assistant on 2-1-1965, and for the said post, he was confirmed on 2-7-65. The post of internal audit assistants carries some special allowance. As per the amendment made on 12-5-89, the special allowance was given to be HGA appointed as Internal Audit Assistants. In the proviso to the said amendment, it has been stated that 60% of the Special Allowance shall count for the purpose of Provident Fund, Gratuity, House Rent allowance and for the fixation of salary on promotion. It is mainly on this ground, the petitioner-union has raised this dispute on behalf of the workman concerned.

7. It is the case of the petitioner-union that the workman Shri M. V. Janakiraman was converted from the post of Internal Audit Assistant to the post of Higher Grade Assistant

(Admn.) and there is no rule for such a transfer. It caused financial loss to the workman concerned. The respondent/management has stated that one can be transferred from one post to another and one place to another. As such the transfer was effected in good faith. Further, it was also contended that the special allowance carried with the post of Internal Audit Assistant and when once the said workman has been transferred from the said Post, he is not eligible to draw the special allowance and consequently there cannot be any financial loss to the concerned workman. The transfer of employees from one post to another is a managerial function and generally the Labour Courts or Tribunals cannot question such transfers unless they are mala fide or effected by way of victimisation. The petitioner-herein did not say that transfer of the workman was effected on mala fide. So, it is clear that the petitioner-union has admitted that the transfer was not mala fide one. However, the petitioner-union has contended that by way of transfer had to leave the post he had worked for 26 years and consequently he had to lose special allowance and 60% of the special allowance shall count for the purpose of Provident Fund, Gratuity, House Rent allowance and for the re-fixation of the salary on promotion. The workman was retired from service on 30-11-94. There is no material on record that subsequent to his transfer and before the date of his retirement that he was eligible for any promotion even if he had continued on the post of Internal Audit Assistant. Now it is the contention of the petitioner-union that the effect of the transfer has caused financial loss to the workman by losing the special allowance and also 60% of the special allowance which will be counted for the purpose of Provident Fund, Gratuity, and House Rent allowance. It was also argued on the side of the petitioner-union that in fact it was a conversion which has caused heavy loss to the workman. Ex. W-6 the order of transfer in the reference says: "Transfer to administrative Side". Though the word conversion has been used in the said order, it is nothing but an order of transfer. When the workman had raised objection to such transfer, the authorities concerned have referred the matter to the Central Office and the competent authority had sent reply which is extracted in Ex. W-13. The competent authority informed the workman that:

"There is no separate scale of Internal Audit Assistants but all the employees are in the scale of HGA and so long as they remain appointed as Internal Audit Assistants they are entitled to draw special allowance. Employees of the Corporation are liable to be transferred from one post to another and from one place to another. In the circumstances, the competent authority has transferred Shri. Pankiraman, from Audit and Inspection Department to Administrative side, the employee cannot take any exception to the order passed. Once the transfers effected, the salary applicable to the post to which he is transferred is payable in accordance with regulation 52 of the (Staff). Regulations. In view of the provisions of the said regulation 52, he will not be entitled to draw the special allowance applicable to the post of internal audit assistants after his transfer."

From the said order, it is clear that the transfer was effected by the competent authority on administrative reasons. As the petitioner union has not challenged the order on the ground of mala fides, there is no scope for this Tribunal to interfere with the order passed by the competent authority. The respondent-management have quoted rule 52 to substantiate the reason that the employee shall draw the salary of post to which he is appointed. The workman was transferred as HGA (Admn) and he has taken charge of the post he is eligible to draw the pay and other allowance if any to the post which he is officiating and he is not eligible to draw the special allowance and other benefits which he had been drawing earlier while officiating in a different post. Rule 80 of the Life Insurance Corporation of India (Staff) Regulation 1960 reads:

"The competent authority may transfer an employee from one department to another in the same office or from one office of the Corporation to another Office."

So, it is clear that the competent authority has got power to transfer an employee from one department to another and from one office of the Corporation to another office. My

attention was drawn to a ruling of our Supreme Court in *Rajendra Roy Vs. Union of India* and another [1993 AIR SC (W) 520] at page 523 wherein it was held;

"Unless such order is passed mala fide or in violation of the rules of service and guidelines for transfer without any proper justification, the Court and the Tribunal should not interfere with the transfer. In a transferable post in order of transfer is a normal consequence and personal difficulties are matters for consideration of the department."

From the decision of our Supreme Court it is clear that when the transfer has been effected in accordance with the Rules, the Tribunal cannot interfere. Further personal difficulties are matters for the department to consider and definitely not for the Tribunal. By way of his transfer from Internal Audit Assistant to Higher Grade Assistant (Admn) the petitioner who was in the fag end of his service had to suffer financial loss. However, this Tribunal cannot consider such personal difficulties and mould the award accordingly. It was contended on the side of the petitioner that before effecting the transfer, since the transfer had caused financial loss to the workman, the respondent management has not given notice as contemplated u/s. 9-A of the I. D. Act, 1947. In support of its case, the petitioner-union has cited a decision of our Apex Court, in *Indian Overseas Bank Ltd. Vs. Their workman* [1969 (18) I-LR P. 108] wherein it was held at page 111.

"But since this allowance came into existence in the Indian Overseas Bank after the matter was raised by Indian Overseas Bank Employees' Union before the Regional Labour Commissioner at Madras and was accepted by the Bank as the gesture of goodwill it must be treated as a term and condition of the service of Om Prakash Gupta to whom it was admissible. Once we reach this position, it is clear that under Section 9-A of the Industrial Disputes Act, read with Rule 34 of the Industrial Disputes (Central) Rule, 1957 a notice of change in the conditions of service applicable to Om Prakash Gupta had to be given Form E appended to the Rules."

At page 112,

"In our Judgement, therefore, the Tribunal was right in deciding that the 'key allowance' was payable even after the Desai award and that Om Prakash Gupta was entitled to receive it till it was stopped in accordance with law."

There is subtle difference between the case on hand and the case referred. In the said case, key allowance of Rs. 15 p.m. was paid to the Cashier of Indian Overseas Bank, and the same was ordered to be discontinued from 1-12-62. The workman raised the dispute through Union on behalf of Om Prakash Gupta who has been receiving the said amount. The Supreme Court held that the discontinuance of key allowance was not as per Rules and Desai Award and the said workman was entitled to receive it till it was stopped in accordance with law. It is clear from this decision that the allowance which was paid to certain category of workmen cannot be stopped in accordance with law. In the instant case, the workman was transferred from one post to another and such a transfer can be effected as per Rule 80 and the workman is eligible to draw the Pay and allowance which is prescribed for the post which he is officiating. It is clear from Rule 52 of Life Insurance Corporation of India (Staff) Regulations 1960, when the workman has ceased to be an Internal Audit Assistant, he cannot claim the benefits which he had been enjoying while in that post.

7. Before considering the effect of non-issuance of notice as contemplated u/s. 9-A of the I. D. Act, 1947 it is necessary to state another decision submitted by the petitioner-union. In *Management of Indian Oil Corporation Ltd. Vs. Its workmen* (1975 II LJ P. 319) at page 326, Apex Court held:

"It was next contended that even if Section 9-A of the Act applied, the Tribunal should have gone into the question on merits instead of giving the award on the basis of non-compliance with the provisions

of Section 9-A. This argument also appears to us to be equally untenable. On the facts and circumstances of the present case, the only point that fell for determination was whether there was any change in the conditions of service of the workman and, if so, whether the provisions of Section 9-A of the Act, were duly complied with. We cannot concede of any other point that could have fallen for determination on merits, after the Tribunal held that Section 9-A of the Act applied and had not been complied with by the appellant."

Notice of change is contemplated u/s. 9-A of the I. D. Act. No employer who proposes to effect any change in the conditions of service applicable to any workman in respect of any matter specified in IV schedule shall effect such change. (a) without giving a notice (b) within 21 days of giving such notice. In the instant case, there was no change in the conditions of service of the workman. Though apparently it seemed to the workman that his service conditions have been changed without notice, in fact it was effect of his transfer from one post to another which the competent authority can effect as per rules. The transfer has been effected as per Rules. When he has joined as Higher Grade Assistant (Admn) he is eligible to draw the salary and allowance pertaining to the said post. The special allowance was given to Internal Audit Assistants for the reason that for Audit purposes they have to visit other places. It is only for such official inspection held in various places such special allowance was given to Internal Audit Assistants. When one workman has ceased to be an Internal Audit Assistant and joined as Higher Grade Assistant (Admn) he cannot expect to draw the special allowance which he was eligible earlier as Internal Audit Assistants. So, there was no change in the condition of service and Section 9-A of the Industrial Disputes Act 1947 will not be applicable to the instant order of transfer.

8. The workman has contended that by making such a change in the service condition, the respondent management has victimised him. The foregoing discussion clearly shows that it was only a transfer and it was not done on mala fides. Further competent authority is empowered to make such transfers as per Rules. The petitioner has not pleaded mala fides. However, for not following the provisions of Section 9-A Industrial Disputes Act, 1947 it was contended that the said transfer amounts to victimisation. As there was no change in the condition of service, no notice was required for effecting such transfer from one department to another. Therefore, such transfer will not amount to victimisation of the workman concerned.

9. The subsequent receipt of benefits on his retirement cannot be a matter to be decided in this dispute, as it is out of scope of the reference.

10. From the foregoing discussion, it is clear that the transfer of the workman from one department to another has been effected as per Rules of the Corporation and the workman is not entitled to any relief.

In the result, award is passed dismissing the claim of the workman. No costs.

Dated, this the 13th day of November 1996

S. THANGARAJ, Industrial Tribunal

WITNESSES EXAMINED

For Workmen :

WW-1—Thiru M. V. Janakiraman.

WW-2—R. Bhoopathy.

For Management :

None.

DOCUMENTS MARKED

For Workmen :

Ex. W-1/20-3-63—Circular calling for application to the post of Internal Audit Assistant (Xerox copy).

Ex. W-2/10-7-64—Interview letter sent to Thiru M. V. Janakiraman (Xerox copy).

Ex. W-3/2-1-65—Promotion order given to the workman (Xerox copy).

Ex. W-4/2-1-65—Letter from WW-1 to the Management (Xerox copy).

Ex. W-5/6-12-65—Order confirming WW-1 as Internal Audit Assistant (Xerox copy).

Ex. W-6/29-2-89—Order granting conversion from Internal Audit Assistant to Higher Grade Assistant (Administration) (Xerox copy).

Ex. W-7/30-3-89—Letter from WW-1 to the Management (Xerox copy).

Ex. W-8/27-5-89—Order relieving WW-1 from A and I department (Xerox copy).

Ex. W-9/30-5-89—Reply by the management to Ex. W-9

Ex. W-9/30-5-89—Letter from WW-1 to the Management (Xerox copy).

Ex. W-10/30-5-89—Reply by the management to Ex. W-9 (Xerox copy).

Ex. W-11/31-5-89—Letter from WW-1 to the Management (Xerox copy).

Ex. W-12/2-8-89—Letter from WW-1 to the Management (Xerox copy).

Ex. W-13/2-8-89—Order of Management discontinuing Special allowance (Xerox copy).

Ex. W-14/ —Letter from Petitioner-union to the Conciliation Officer (Xerox copy).

Ex. W-15/ —Reply by the management filed before the Assistant Labour Commissioner (Central) Madras (Xerox copy).

Ex. W-16/6-3-91—Reply by the Management filed before the Assistant Labour Commissioner (Central) Madras (Xerox copy).

Ex. W-17/3-5-91—Rejoinder filed by the Petitioner-union before the Conciliation Officer (Xerox copy).

Ex. W-18/12-7-91—Conciliation Failure report (Xerox copy)

Ex. W-19/ —Discharge receipt for Rs. 1,69,460.00 issued to WW-1 (Xerox copy).

For Management :

NIL

नई दिल्ली, 3 फरवरी, 1997

का० आ० 550.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ़ बड़ौदा के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3 फरवरी, 1997 को प्राप्त हुआ था।

[संख्या एन-12012/198/93/आर आई बी-II]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 3rd February, 1997

S.O. 550.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, KANPUR as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BANK OF

BARODA and their workmen, which was received by the Central Government on 3-2-1997.

[No. L-12012/198/93-IR(B-II)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 52 of 1994

In the matter of dispute :

General Secretary,
U.P. Bank Employees Union,
165 Sohbatia Bagh,
Allahabad.

AND

Regional Manager,
Bank of Baroda,
Banerjee Building,
Civil Lines, Allahabad.

AWARD

1. Central Government, Ministry of Labour, vide its notification no. L-12012/198/93 I.R. B-2 dated 30-5-94 has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Bank of Baroda Allahabad in denying the post of Special Assistant to at MSA Branch Allahabad to Sri T K Bhattacharya, senior most clerk and instead assigning the duties to a special assistant at their Nawabganj Branch is justified? If not, what relief is the said workman is entitled to ?

2. On 16-2-91 an agreement had taken place between the management of Bank of Baroda and All India Bank of Baroda Employees Federation. Para 3.1 of this settlement goes as under—

The bank shall assign the duties of Special Asstt. to clerical staff in the ratio of 20 per cent of internal promotions to officers cadre within 90 days from the declaration of such promotions to officers cadre. Fraction of 0.5 per cent or more is to be rounded off to one. Any fraction of less than 0.5 per cent is to be ignored. If there are not sufficient number of promotion to the officers cadre warranting promotion of at least one special assistant in the state of the Administrative Region of the bank whichever is smaller, the bank

agrees to assign the duties of special assistant to one clerk. However, if there is no promotion to the officers cadre in the state or the administrative region of the bank whichever is smaller, no assignment of duties of special assistant shall be made.

Para 3.5 of this agreement deals with the manner in which the post of special assistant had to be filled within 90 days of the identification of such vacancies.

3. The case of the applicant T K Bhattacharya is that one D K Banerjee was posted as Special Assistant in MSA Branch in Allahabad. He was transferred on 27-4-91. Hence vacancies of special assistant had occurred. The concerned workman was the senior most eligible candidate for getting this post of special assistant at MSA Branch. He made a representation to Regional Manager Allahabad on 7-5-91 but no reply was made. No steps were taken for filling the post of special assistant at MSA Branch. Hence he is entitled for his posting as special Assistant at MSA Branch from the date it fell vacant because of transfer of D K Banerjee. The opposite party in its written statement does not dispute the fact that the concerned workman was senior most, clerk which is also established from Ext. W.1 copy of list dated 29-4-91. However their stand is that after the vacancy had taken place as a sequel of transfer of D K Banerjee steps were taken to fill up the vacancies in manner as envisaged in para 5 of settlement. Applications were invited from the eligible candidates. The applicant did not apply after complying with the provisions of para 5 of the settlement on 2-7-91 Arvind Bhattacharjee was held most suitable person. Hence he was posted as Special Assistant at MSA Branch. Whereas on that very date the concerned workman was offered this post of special assistant at Nawabganj Branch which he did not accept. Thus the post of special assistant at MSA Branch was filled within 90 days as per provisions of settlement.

4. In the rejoinder nothing new has been said

5. None of the parties have adduced any oral evidence. Instead they have filed papers which have been exhibited.

6. Para 5 of settlement deals with mode of selection of special assistant. First the bank is required to invite applications from eligible clerks thereafter a seniority list is to be prepared on this basis. For each identified vacancy of special assistant a list of three senior most eligible person is to be prepared. It is to be followed by interview. That person will be offered a job of special assistant who is found suitable.

7. The management have filed papers to show that applications were invited. Arvind Bhattacharya had applied vide ext. M-3. The concerned workman did not apply as is evident from the list prepared in Ext. M-9, dated 2-7-94. Hence at that time his name was not considered. Thus it is established that the concerned workman had not undergone the process of selection as is given in para 5 of agreement. Hence he was rightly not offered the post of Special Assistant at MSA Branch after the vacancy had occurred due to transfer of TK Banerjee. The substance of the claim of concerned workman is that by virtue of his seniority alone he was entitled for the post of special assistant at MSA Branch. I am not inclined to agree with this claim as has been shown that it will be contrary to provision of para 5 of the settlement.

8. Hence my award is that the concerned workman was rightly not offered the post of Special Assistant at MSA Branch at Allahabad in place of TK Banerjee and he is not entitled for any relief.

9. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 3 फरवरी, 1997

का० आ० 551.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधन के संबंध निधोजकों और उनके कर्म-कारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3 फरवरी, 1997 को प्राप्त हुआ था।

[संख्या एन-12012/157/94-आई आर (बी-II)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 3rd February, 1997

S.O. 551.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workmen, which was received by the Central Government on 03-02-97.

[No. L-12012/157/94-IR (B-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT DEOKI PALACE ROAD PANDU NAGAR, KANPUR

Industrial Dispute No. 86 of 1994

In the matter of dispute :

BETWEEN

A. K. Jain,
General Secretary,
U. P. Bank of Baroda Employees Union
Central Office Bank of Baroda,
Boli Bazar, Shakha Meerut.

AND

Regional Manager,
Bank of Baroda,
Regional Office,
Pandit Onkar Dutt Sharma Marg,
Civil Lines Moradabad.

AWARD

1. Central Government, Ministry of Labour, New Delhi vide its Notification No. L-12012/157/94 dated 11-10-94 has referred the following dispute for adjudication to this tribunal :

"Whether the action of the management of Bank of Baroda, Moradabad in not absorbing and terminating the services of Shri Sageer Ahmed, Driver w.c.f. 13-2-93(AN) is justified ? If not, what relief is the said workman entitled to ?"

2. The case of the concerned workman Sageer Ahmed is that he was appointed as Cash Van Driver on 14-10-92 at Moradabad main branch of the opposite party bank of Baroda. He continuously worked there upto 13-2-93, when his services were brought to an end. After his retrenchment a new hand was appointed in June 1994 without affording him opportunity. Hence there is breach of Section 25H I.D. Act.

3. The opposite party has filed reply in which it has been alleged that the concerned workman was engaged as casual daily rated worker. The concerned workman did not work continuously. He had worked for 73 days. In this way he had not completed 240 days in a year. Hence Section 25F I.D. Act was not applicable. It was also alleged that the concerned workman had left the job of his own.

4. In the rejoinder it is denied that the concerned workman has left the job.

5. There are exhibit M-1 to M-3 vouchers thereby which the concerned workman was paid wages. In these vouchers the concerned workman was described as temporary. Hence the stand of the Management that the concerned workman was a casual worker is not correct.

6. There is no dispute that the concerned workman had worked between 14th October, 1992 to 13th February, 1993 intermittently. It has been shown that the concerned workman was temporary worker. It is also established that he had not worked more than 240 days in a year. Hence it is argued on behalf of the management that Section 25H will not be applicable. Now this contention stands repelled by the case of Central Bank of India V/s. S. Satyam 1996 LAB I.C. 2248 in which it has been held that provision of Section 25G&H are independent of Section 25F I.D. Act. Hence for extending benefit of Section 25G & H it is not necessary that the workman should have completed 240 days in a year. A temporary workman is entitled for its benefits even if he has worked for a month or so. Hence the concerned workman will be entitled of benefit of Section 25H I.D. Act as well. In para 13 of claim statement it was specifically alleged that a new hand was recruited after his termination. There is no denial of this fact in the written statement. Hence it should be admitted under order VIII rule 5 C.P.C. Apart from this the concerned workman has specifically stated that after retrenchment on a Balbir Singh has been engaged but he was not given opportunity. Ravi Kumar Arora a Senior Manager of the opposite party of Bank has entered into witness box as MW(1) but has not rebutted this fact. Hence I am no hesitation in accept the version of

the concerned workman. Accordingly it is held that the concerned workman was not given opportunity when Balbir Singh was engaged as Driver after the retrenchment of the concerned workman. In this way the termination being in breach of 25H I.D. Act is bad in law.

7. There is no evidence worth the name to show that the concerned workman had abandoned the job.

8. In the end my award is that the termination of the concerned workman is bad in law. Hence he is entitled for reinstatement with back wages and continuity in service.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 3 फरवरी, 1997

का० आ० 552.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंध तंत्र के संबंध में नियंत्रकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3 फरवरी, 1997 को प्राप्त हुआ था।

[संख्या पत्र-12012/545/87-आईआरबी-II]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 3rd February, 1997

S.O. 552.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, KANPUR as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of ALLAHABAD BANK and their workmen, which was received by the Central Government on 03-02-97.

[No L-12012/545/87-IRB-II]

BRAJ MOHAN, Desk Officer

ANNEXURE

Before Sri B.K. Srivastava Presiding Officer Central Government Industrial Tribunal-Cum-Labour Court Pandu Nagar, Kanpur.

Industrial Dispute No. 30 of 1985 In the matter of dispute,

BETWEEN

Sri Kailash Kumar C/o Sri P.N. Tewari General Secretary UPBEU 165 Sobatiabagh Allahabad,

AND

Dy. General Manager Allahabad Bank Hazaratganj Lucknow.

Appearance:- Sh. M.K. Verma for the Mang. Sh. B.P. Saxena for the Workman

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No.L-12012/545/87-D.H(A) dated 7.3.88 has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Allahabad Bank in dismissing from service Sri Kamlesh Kumar Clerk-cum-Cashier vide order dated 11.2.86 is justified? If not to what relief is the workman entitled?

2. The concerned workman Kamlesh Kumar was employed as a Peon cum Farrash by the opposite party Allahabad Bank on 7.2.80. Later on he was promoted to the post of clerk cum cashier and was posted at Jarwal Branch of the bank in District Bahraich. Subsequently he was transferred to Barabanki Branch. On 9.7.84 he was served with a chargesheet relating to two misconducts one of Jarwal and the other of Barabanki which reads as under:—

While you were posted at Branch Office Jarwal Kasba District Bahraich as peon cum Farrash a sum of Rs. 4500/- was fraudulently drawn by you on 17-6-83 from the S/B a/c No. 736 of one Sri Satya Narain through bearer cheque no. 718124 dt. 17.6.83. That subsequently on your posting at Branch office Barabanki as clerk cum cashier you on 13.6.84 fraudulently retained with you bundle containing 100 notes of two rupees denomination received by you at the cash receipt counter from M/s. Vikas Traders the current account holder of the branch. On written complaint addressed to the branch by the said a/c holder the said sum of Rs. 200/- was returned by you to the said aggrieved a/c holder on 16.6.84.

An officer of the bank B.L. Mehrotra of the opposite party bank was appointed enquiry officer. After completing enquiry he submitted his report on 22.11.85 whereby charge no.1 was held to be proved whereas charge no. 2 found to be not proved. Accordingly after issuing show cause notice disc. authority dismissed the concerned workman from service vide order dated 11.2.86 by way of punishment. Feeling aggrieved the concerned workman has raised the instant industrial dispute. In the claim statement the propriety and fairness of the domestic enquiry was challenged. On the other hand the management bank in their written statement has maintained that enquiry was fairly and properly held and that it was the concerned workman who had perpetrated fraud and forgery.

3. In the rejoinder nothing new was alleged.

4. My learned predecessor vide finding dated 12.12.91 held on preliminary issue regarding fairness and propriety of domestic enquiry that the same was vitiated. Accordingly on the request of the management they were afforded opportunity to prove the charges on merits.

5. In support of its case the management has examined Sushil Chandra Srivastava M.W.1 Mahendra Pratap Singh M'W.2 and complainant Satya Narain as M.W.3. It may be mentioned that Satya Narain was examined on the insistence of the authorised representative for the workman. Besides Ext.M-1 to M-6 were filed. The concerned workman did not adduce any evidence. Instead he had filed copy of statement of Mahendra Pratap Singh recorded in criminal case No. 255 of 94 recorded on 4-1-95 pending in the court of civil Judge Bahraich.

6. Sushil Chandra Srivastava M.W.1 is an officer of the bank and at the relevant time he was posted as clerk cum cashier at Jarwal Branch between 1983 and 1987. He was examined to prove as to whether Ext. M-2 cheque was written by the concerned workman. He showed his inability to say so. Thus this witness has not supported the version of the management. Mahendra Pratap Singh M.W.2 was working as officiating Manager at this branch at the material time. He has stated that Ext.M-1 is the specimen signatures of Satya Narain. In this card there is overwriting. Ext.M.2 is the cheque in question. He has stated that it has been filled by forging signatures of Satya Narain by the concerned workman. He acquainted with the signatures of the concerned workman. He has further stated that the concerned workman himself had

taken the money of this cheque, on the pretext that Rampal had gone some where. Ext.M-3 to M-6 are the copies of ledger. In his cross examination he has stated that his evidence was recorded in criminal case in which he had stated that Rs. 4500/- were paid to Ram Pal Yadav. Thus there is contradiction in his statement. Satya Narain M/W-3 in his affidavit has stated that he had not signed the cheque Ext. M-2 and that it was in the hand writing of the concerned workman and that he had not received the consideration of his cheque. The authorised representative of the concerned workman did not cross examine him at all.

7. When during the course of argument it was enquired from the authorised representation of the concerned workman as to why Satya Narain was not cross examined his reply was that as he had not proved the affidavit he was not cross examined. This reason is legally not tenable. When once a duly verified affidavit is filed in court no doubt is left to the genuineness of such affidavit. Hence there was no need to specifically prove the same. Once again apart from this the concerned workman has specifically requested the Tribunal to summon Satya Narain for cross examination. Thus when he was produced in court on his request it was all the more necessary that he should have been cross examined. It means that the concerned workman did not dispute the truthfulness of the evidence of this witness. Hence in my opinion from his un rebutted evidence coupled with Ext.M-1 and M-2 and entry in the ledger and other papers it is proved to the hilt that it was the concerned workman who had fraudulently prepared the cheque and had utilised the money as per charges.

8. As regards the evidence of Mehendra Pratap Singh, I am inclined to accept it as corroborative evidence.

9. In spite of the fact that he had made a different statement in criminal case. It may be mentioned that during the course of enquiry he had supported the version of the bank. Because in criminal court he resiled from it and yet again before this Tribunal he has supported the version of the management. It was supported by the authorised representative of the concerned workman that his evidence is in negative. Hence, there was no need to rebut it. I do not agree with this contention. A contradictory statement cannot be said to be negative. Further contradictory statement cannot be said wholly unreliable. The veracity of such evidence can be impeached by rebutting it. If it is not done such evidence can be used atleast by way of corroboration.

10. From the above I come to the conclusion that charge against the concerned workman is proved. The conduct of the concerned workman certainly amounts to loss of confidence and in my opinion in such case nothing short of dismissal would be adequate punishment.

11. Hence the management was justified in dismissing the concerned workman from his services and he is not entitled for any relief.

12. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 4 फरवरी, 1997

का० ग्रा० 553.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार कारपोरेशन बैंक के प्रबंधन के संबंध नियोजकों और

उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद, केन्द्रीय सरकार औद्योगिक अधिकरण, मुम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3 फरवरी, 1997 को प्राप्त हुआ था।

[संख्या एल-12012/15/94-आई आर (बी 2)]

ब्रज मोहन डेस्क अधिकारी

New Delhi, the 4th February, 1997

S.O. 553.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Corporation Bank and their workmen, which was received by the Central Government on 03-02-1997.

[No. L-12012/15/94-IR(B-2)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT :

Shri Justice R. S. Verma, Presiding Officer.

Reference No. CGIT-1/35 of 1994

PARTIES :

Employers in relation to the management of Corporation Bank.

AND

Their workmen.

APPEARANCES :

For the Management—Shri P. M. Palshikar, Advocate.

For the Workman—Shri S. M. Dharap, Advocate.

STATE : Maharashtra

Mumbai, dated the 21st day of January, 1997

AWARD

Workman Shri Badrinarayan K. Bhat with Shri S. M. Dharap, Advocate. Shri P. M. Palshikar for management. Both the sides have jointly filed an application for recording an out of Court settlement alongwith settlement Ex. A. Both the sides have verified the application as also the settlement Ex. A. I have heard the learned counsel for the parties. In the facts and circumstances of the case, the settlement is just, fair and proper. Let an award

be made in terms of the settlement. The settlement Ex. A shall form part of the award. The matter is disposed of accordingly.

Encl : Terms of settlement.

R. S. VERMA, Presiding Officer

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, MUMBAI

Reference (CGIT) No. 35 of 1994

BETWEEN

Management of Corporation Bank

. Versus

Shri K. Bhadrinarayan Bhat

May Please Your Honour :

1. The Parties to the above reference have arrived at a settlement of the above dispute out of Court. The said settlement is annexed hereto as Exhibit 'A'.

It is therefore prayed that the award be passed in terms of the said settlement.

Mumbai, Dated : 21-1-1997.

Sd/-

For Corporation Bank

Sd/-

For Workman

EXHIBIT 'A'

MEMO OF SETTLEMENT

(Under Section 2(p) read with Section 18(1) of the Industrial Disputes Act, 1947).

Representing Management.—(1) Mr. P. A. Muralidaran,
Chief Manager,
Corporation Bank.

(2) Mr. T. Pradeep Kumar Patro,
Personnel Officer,
Corporation Bank.

Representing Workman.—(1) Mr. K. Bhadrinarayan Bhat.

SHORT RECITAL OF THE CASE

Whereas Sri Bhadrinarayan Bhat (hereinafter referred to as the workman) was working as Peon at the then Merchant Banking Division (now rechristened as TIME Division), Mumbai, Corporation Bank (hereinafter referred to as the Bank). He was issued Charge Sheet dated 03-08-1987 for prolonged and continuous unauthorised absence and

wilful insubordination. In a written domestic enquiry conducted in the matter, the workman was found guilty by the Enquiry Officer. The Disciplinary Authority concurred with the findings of the Enquiry Officer and dismissed the workman in terms of order dated 29-04-1988. The workman filed Memorandum of Appeal dated 28 h May, 1988 before the Asstt. General Manager and Appellate Authority. The Appellate Authority in terms of the order dated 5-7-88 confirmed the punishment imposed on the workman.

Whereas, the workman raised an Industrial Dispute before the Asst. Labour Commissioner (C), Mumbai, seeking relief of reinstatement in the services of the Bank. Since the dispute could not be settled amicably before the Conciliation Officer, the matter was referred by the Central Government to the Central Government Industrial Tribunal, Mumbai for adjudication.

And whereas in the course of the proceedings a proposal was placed before the Management on behalf of the workman for his reinstatement in the services of the Bank without backwages. After detailed discussions and consideration of the proposal placed on behalf of the workman both the parties agreed to settle the dispute amicably on the following terms and conditions.

Now, therefore, the parties hereto submit a joint memo with the following terms, in full and final settlement of the dispute :

- (1) The Bank will reins'tate the workman in the services as a fresh employee at the stage of basic pay he was drawing at the time of his dismissal from the services of the Bank within a period of 90 days from the date of the award passed by the CGIT, Mumbai.
- (2) The period between the date of the dismissal and the date of reinstatement shall not be reckoned for any service benefit, whatsoever.
- (3) The workman will not make any claim financial, non-financial, whatsoever, with regard to his back wages and past service in the Bank.
- (4) The workman will be posted anywhere in India and thereafter will be governed by the service conditions applicable to his cadre in the Bank.

The parties submit that the Hon'ble Tribunal may be pleased to accept this joint memo and pass award accordingly.

FOR I PARTY

Sd/-

K. Radhinarayan Bhat,
(Address),

FOR II PARTY

Sd/-

P. A. Muralidaran,
Chief Manager,
Corporation Bank,
Regional Office,
Mumbai.

Sd/-

T. P. K. Patro,
Personnel Officer,
Corporation Bank,
Regional Office,
Mumbai.

Counsel For I Party

Counsel For II Party

नई दिल्ली 4 फरवरी, 1997

का० भा० 554.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अन्तर्बन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 03 फरवरी, 97 को प्राप्त हुआ था।

[संख्या एल-17012/11/93-आई आर. (बीII)]
ब्राज मोहन, डेस्क अधिकारी

New Delhi, the 4th February, 1997

SO. 554.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, BOMBAY as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of LIFE INSURANCE CORPORATION OF INDIA and their workmen, which was received by the Central Government on 3-2-1997.

[No. L-17012/11/93-IR (B-II)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. II
MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer
Reference No CGIT-2/63 of 1993

EMPLOYERS IN RELATION TO THE
MANAGEMENT OF LIFE INSURANCE
CORPORATION OF INDIA

AND

Their Workmen

APPEARANCES :

For the Employer : Shri G. G. Modak and
Kum. S. M. Umbarar, Advocates.

For the Workman : Mr. Sanjay H. Bhasin,
Advocate.

Mumbai, the 15th January, 1997

AWARD

The Government of India, Ministry of Labour by its order dated 26-8-93 had referred to the following Industrial Dispute for adjudication.

"Whether the claim of Sr. Sudhir S. Jhungare that he was employed by the LIC from 16-8-89 to 22-3-91 as Class-IV employee is correct. If so, whether the termination of his services w.e.f. 23-2-91 is justified? What relief, if any, is Sri Jhungare entitled to?"

2. Sudhir S. Jhungare the workman pleaded that he was orally appointed by the management and the Life Insurance Corporation (hereinafter called as the management) is a Class-IV employee on 16-8-81. It is averred that he was in continuous service till the termination on 22-3-91. It is asserted that he completed 240 days in a year and was entitled to be absorbed as a Class-IV servant with the management. It is averred that he was doing the work of a permanent nature.

3. The workman asserted that while terminating his service the management did not comply with the provisions of the retrenchment. It is averred that he was not given any compensation or a notice before termination. He asserted that his juniors were kept in the service and/or recruited after his termination. The management did not follow the rule of last come first go. He submitted that he approached the management on several occasions for reinstating him. They orally assured to do so but in fact they did not. Hence he prayed that it may be declared that his termination is without following the due processes of law, that he may be reinstated in service with continuity along with consequential benefits. He also prayed for interest on due amount and cost of the reference.

4. The management resisted the claim by the Written Statement Exhibit '3'. It is averred that

the Life Insurance Corporation enjoys the statutory status and the method of recruitment and the terms and conditions of service of the employee of the Life Insurance Corporation are regulated by the Rules and Regulations framed under Sections 48 and 49 of the Life Insurance Corporation Act of 1956. It is averred that those rules and regulations have a statutory force and are binding on all concerned.

5. The management pleaded that in view of regulation 6 and 7 the competent authority is empowered to recruit persons for employment in the Life Insurance Corporation only against vacancies in the sanctioned posts in accordance with the rules, instructions laid down from recruitment. It is pleaded that the whole time salaried employees of the Corporation are appointed as per the regulations with an appointment letter. Those who have been appointed on ad-hoc or contract basis are not governed under the said regulations. Their terms and conditions of service and other matter are governed as per the contract or the appointment letter given to them.

6. The management pleaded that as regards the employee on temporary staff regulation-8 provides appointment of Class-III and Class-IV on temporary basis subject to such general or special directions issued by Chairman from time to time. Clause-III provides that such persons will not be entitled to absorption in service of the Corporation or a claim prefers for recruitment to any posts on its basis. It is averred that if such persons are absorbed then the eligible citizens will not get recruitment which is against the Principles of Constitution.

7. The management pleaded that S. S. Junagara was appointed as contractor for a specific job which arose in a particular circumstance. It is pleaded that a zonal office was formed at Amravati somewhere in July 1989 and for that purpose there was need for supply of forms and other stationery and Furniture. It is therefore Junagare and one Mohkar were appointed on contract basis to do the work. It was agreed that they were to be given the payment as per the work done by them on their application. It is submitted that later on the worker had some serious domestic problems and therefore he expressed his inability to continue the work with the division and gave up the contract w.e.f. 22-3-91. It is averred that the workman was never offered any salary nor he could compete for selection for any Class-IV posts such as sepoy, sweepers, watchmen etc. It is asserted that the workman never completed 240 days in a year. It is a matter of record that he had carried out his assignment as contractor for delivery of material intermittently for some period of time and for his work he was paid at the rate of specified in his contract. It is averred that the workmen applied for the post of Class-IV posts of sepoy in 1991 but he

could not come out through the process of selection. It is therefore it appears that he had raised the present dispute. It is contended that there is no substance in the claim which is made by Junagare and it deserves to be rejected.

8. The issues are at Exhibit-14. The issues and my findings there on are as follows :

Issues	Findings
1. Whether the workman proves that he was appointed by the management as a Class-IV employee between 16-8-89 to 22-3-91 ?	No.
2. Whether it is proved that the workman termination amount to illegal retrenchment ?	Does not survive. No retrenchment.
3. Whether the management had not followed the provisions of Section 25G of the Industrial Disputes Act?	Does not survive.
4. Whether the termination of the worker w.e.f. 23-2-91 is justified ?	Does not survive. No termination.
5. If not, what relief the workman is entitled to ?	Does not survive.

REASONS

9. To bolster up the case the workman has examined himself at Exhibit-9. Ramesh Pandey (Exhibit-10) Joint Secretary of the Union and Gajanan Mohkar (Exhibit-11) the other contractor who was working with him. As against that the management examined Kameshwarprasad Shrivastava (Ex-20) who was working as Administrative Officer at Amravati at the relevant time. They have produced document at Exhibit-4, 8, 17 & 20.

10. Exhibit-17/1 is a Award passed by the Presiding Officer, Central Government Industrial Tribunal, Jabalpur in respect of Gajanan Mohkar the other contractor. In that reference the contention of Mohkar was like that of Junagare. He claimed to be an employee of the management and his services were alleged to be terminated on 22-3-91. There the Presiding Officer came to the conclusion that the workman is not entitled to any of the reliefs. Looking to the award it appears that no evidence was lead on behalf of the worker in that reference. But the fact remains that the Award was not in his favour and he could not get any relief.

11. Sudhir, the worker admits that no appointment letter was given to him when he was asked to work from 16-8-89. According to him he was paid daily wages at the rate of Rs. 20/- from

Monday to Friday and Rs. 10/- on Saturday it being a half working day. Initially there was a heavy work load as the furniture and other stationery was brought in the new office. He admits that the payment was made weekly. This position is corroborated by Gajanand Mohokar who was admittedly another worker engaged along with Sudhir. There is no dispute that both of them did not complain to the authorities for enrolling them as class-IV servants and for payment month wise. It is pertinent to note that Sudhir had filed documents alongwith Exhibit-12. These documents show that the payment was made to Sudhir on vouchers. It is the case of Kameshwar Prasad (Exhibit-20) the witness for the management that the applications were made by Sudhir and Gajanand to make the payment as per the work done by them in that particular week. Some times the payments were made individually and sometimes collectively. Kameshwar Prasad affirmed that the work was given to Sudhir was on a contract basis. Therefore the payment varied. It was never on daily wages. In the document (Exhibit-12/4) which was filed by Sudhir himself it is specifically mentioned that he had taken the work from the management on a contract system. There are many such applications filed by Kameshwar Prasad to show that the work was given to Sudhir on contract basis and the payments were made as per the work done. They have to give that work on a contract basis because there was a new establishment of the Life Insurance Corporation in that region and the work which was given to Sudhir was not of a permanent nature. These documents clearly speaks that the work which was given to Sudhir was on a contract basis and he was never appointed by the management as a Class-IV servant.

12. To get employment in Life Insurance Corporation there is a system. There are rules and regulations for selection. One has to go through it to get an appointment. Admittedly Sudhir gave an application for getting the employment as a Class-IV servant in Life Insurance Corporation in 1991. But he could not be selected. It appears that thereafter he had chosen to raise the present Industrial Dispute. In other words he wants to get a back door entry. That cannot be permitted. It can be further seen that as he was not engaged as a daily wage labourer or a casual labourer there is no question of his completing 240 days continuous service in a year.

13. Ramesh Pande (Exhibit-10), the joint Secretary of the union affirmed that Sudhir was doing the work of a permanent nature. But from the testimony of Sudhir, Gajanand, Ramesh and Kameshwar Prasad it is very clear that at Amravati Regional Office was opened somewhere in July 1989. It resulted into increase of the work

in respect of the distribution of forms and getting furniture etc. It is therefore they required an extra hand for doing that work. The payment vouchers clearly suggests that at initial stages the work was much and later on it was reduced from time to time. There was no such sanctioned posts for that particular office which can be filled up by the manager for getting the work done. It is therefore he has to give that work on a contract basis and to get the work done.

14. The management had produced extracts of section 48 and 49 at Exhibit-4/1 and Regulations 2, 6, 7 and 8 at Exhibit-4/2. This gives an idea how the regulations can be done in the Life Insurance Corporation. By no stretch of imagination it can be said that Sudhir could have been appointed as a Class-IV servant by the Branch Manager or a Regional Manager on 16-8-89. It is therefore there was no question of terminating his service on 22-3-91. Kameshwar Prasad affirmed that as Sudhir had domestic difficulties he stopped attending the work from 22-3-91. It appears to be a correct statement. There is no cross-examination of this witness.

15. The management has also produced awards (Exhibit-4/5 & 6) passed by the National Industrial Tribunal a compromise filed in SLP bearing No. 14906 of 1988 (Exhibit-4/7). Those letters were relating to absorption of temporary staff worked in LIC. That situation has changed a lot. Thereafter in view of the rules which I have already stated above the recruitment is by a particular procedure. Sudhir could not get there through that procedure and could not get appointment. Therefore he had chosen this way to get an employment.

16. From the above stated discussion it is very clear that Sudhir was not appointed as a Class-IV employee on 16-8-89. On the other hand he was given the work on a contract basis. It is therefore there was no question of his termination from the service nor any compliance of the provisions of retrenchment or that of section 25G of the Industrial Disputes Act of 1947. For all these reasons I record my findings on the points accordingly and pass the following order :

ORDER

The claim of Sh. Sudhir S. Jhungare that he was employed with Life Insurance Corporation from 16-8-89 to 22-3-91 as a Class-IV employee is not correct.

There is no termination of service of Jhungare w.e.f. 23-2-91.

He is not entitled to any reliefs.

S. B. PANSE, Presiding Officer

नई दिल्ली, 30 जनवरी, 1997

कां० आ० 555.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन बैंक के प्रबंध तंत्र के संबद्ध निधियों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, त्रिवेन्द्रम के पंचपट को प्रकाशित करता है, जो केन्द्रीय सरकार को 29-01-97 को प्राप्त हुआ।

[संख्या पत्र 12012/160/94/—आई०आर० (बी०-2)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 30th January, 1997

S.O. 555.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Trivandrum as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Bank and their workmen, which was received by the Central Government on 29-01-97.

[No. L-12012/160/94-IR(B-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

IN THE COURT OF THE INDUSTRIAL TRIBUNAL, KOLLAM

(Dated this the 18th day of January, 1997)

PRESENT :—

Sri. C. N. Sasidharan, Industrial Tribunal

IN

Industrial Dispute No. 18/94

BETWEEN :

The Regional Manager, Indian Bank, M. G. Road, Trivandrum.

(By Sri P. Krishnankutty Nair, Advocate, Trivandrum).

AND

Smt. A. Usha, Koothattuvila Thottarikathu Veedu, Nalanchira P.O., Trivandrum.

(By Sri. R. Lekshmana Iyer, Advocate, Trivandrum).

AWARD

This industrial dispute has been referred to this Tribunal for adjudication by the Government of India as per Order No. I-12012/160/94-IR(B-II) Dated 6-9-1994.

The issue for adjudication is the following :—

"Whether the action of the management of Indian Bank, Trivandrum in terminating the services of Smt. A. Usha, Part-time Sweeper w.e.f. 3-3-1994 and not considering her for empanelment for permanent absorption in terms of the approach paper circulated by the Ministry of Finance in 1990 is justified? If not, what relief is the said workman entitled to?"

2. The workman in this case Smt. A. Usha has filed a claim statement and her contentions are briefly as below: She was employed at the Nalanchira branch of management Bank on a temporary basis to sweep the branch premises and also to clean bath room and toilet. She was a part time employee from 1983 till the date of appointment of permanent employee on 29-3-1994. By representation dated 7-3-1994 she has requested the management for permanent appointment

in the clear vacancy existing due to the retirement of Smt. Indiramma from 1-7-1993. She was expecting absorption permanently in view of her 11 years of service with the bank and also continuous service in the particular branch for more than 270 days. The management has considered such appointments in other cases having lesser temporary service. But the management informed her not to perform duties. The action of management is vindictive action resorting to illegal termination. She is having a heavy family burden of looking after her school going children and sick husband. The income from her employment is the major income for the family for all expenses. The management has employed her on continuous basis in the permanent vacancy of sweeper with effect from 1-7-1993 to March 1994 and she has worked more than 240 days continuously from 1993 to March 1994. During the pendency of the dispute with the Assistant Labour Commissioner, Trivandrum the management has appointed another women violating the provisions of the Industrial Disputes Act ('the Act' for short) the provisions of Bipartite settlement 1966 and also the contents of Finance Ministry's Approach paper, dated 16-8-1990. The management has not complied with the provisions under Sec. 25-F of the Act by terminating her services. The management has also not complied with provisions of Sec. 25-H of the Act regarding re-employment of retrenched workman. There is also violation of Sec. 33 of the Act. The prayer for reinstatement in service with all consequential benefits.

3. The management contests the matter. The contentions of management are briefly as below: The terms of the reference are not correct. The workman is only a casual sweeper engaged for few hours of certain days and the question of her being a part time sweeper does not arise. No appointment letter was given to her at any time and she is not on the regular/temporary employment of the management. She was engaged for sweeping work whenever there was need to sweep the office and not regularly, continuously or on an agreed terms of employment. She did not work continuously from May 1988 to 29-3-1994 as alleged. She was engaged only during the leave period of the permanent part time sweeper of the Nalanchira branch. The management has stated the number of days she was engaged as casual labourer. She was not on regular employment of the branch for 11 years. The said branch had a permanent part time sweeper who retired on 30-6-1993. During that time the worker was engaged for sweeping the office only as casual worker against payment for the days engaged for work. That vacancy could be filled up only through Employment Exchange observing the norms of appointment and the workman cannot claim the employment as a matter of right. Other persons are also engaged by the management by the branch for sweeping work purely on casual basis. The workman was engaged only for 122 days in her capacity as casual labourer between 1983 to 1992. From January 1993 to June 1993 she was engaged for a total period of 25 days only and that too few hours. From July 1993 to March 1994 she was engaged for 179 days for few hours on such days and paid wages. Disengagement of casual labourer does not tantamount to illegal termination. She had no continuous service for more than 270 days. She had no locus standi to raise an industrial dispute. She was not under the regular employment of the Bank and was not receiving regular wages. The total period of engagement was 190 days from 1-7-1993 to 2-3-1994. The Bank did not violate the provisions of the Act or the Bipartite settlement or the Finance Ministry's Approach paper as alleged. She is not a workman as defined under Sec. 2(s) of the Act. Being a casual labourer the Bipartite settlement is not applicable to her. The appointment of Smt. C. Vasantha Kumari as permanent sweeper was made on 29-3-1994 and she joined duty on 7-4-1994 that was before the commencement of conciliation on 12-4-1994. Hence Sec. 33 of the Act is not attracted. The management bank has prepared a panel of temporary sub staff by selecting candidates sponsored by Employment Exchange confirming to the eligibility norms by conducting interview. Such temporary sub staff are deployed in the leave vacancies. The claimant is not sub staff and was not sponsored by Employment Exchange. The management bank is not having any panel for deployment in leave vacancy of any type of sweepers. Sweepers are engaged casually to meet exigencies as and when vacancy arise for few hours. Approach paper is applicable to tem-

porary sub staff panel and the workman was never in that panel. According to the management she is not entitled to any relief.

4. The evidence consists of both oral and documentary. The workman examined herself as WW1 and Exts. W1 to W10 have also been marked on her side. The manager of the Nalanchira branch of the bank has given evidence as MW1. Ext. M1-series have also been marked on the side of management.

5. The workman is claiming reinstatement in service on the ground that she was retrenched illegally though she having continuous service in the Nalanchira branch of the management bank for more than 270 days. She has deposed as WW1 that since May 1983 she was employed by the management as a temporary part time sweeper to perform the duties of sweeper that she had worked for more than 240 days continuously from July 1993 to March 1994 and that she was not given notice or notice pay before terminating her service. According to the management the workman was engaged only as casual labourer on the days when the permanent part time sweeper took leave and the workman was paid wages then and there. WW1 has admitted that the number of days worked by her from the year 1983 to March 1994 as stated in the written statement of the management are correct. As per this statement she was engaged only for 122 days as casual labourer between 1983 to 1992. From January 1993 to June 1993 she was engaged for a total period of 25 days only and that too few hours on such days. From July 1993 to March 1994 she was engaged for 197 days for few hours on such days and paid wages then and there. She was paid wages as per Ext. M1-series vouchers which show that she was paid Rs. 18 for sweeping and Rs. 12 for bath room cleaning. She was admittedly not given any appointment letter nor a termination letter. She has also admitted that she was engaged only on the days when the permanent part time sweeper was on leave. There is also no evidence to support her contention that she had worked for more than 240 days continuously from July 1993 to March 1994. It is thus clear that she was not on the regular roll of the management bank but engaged as a casual labourer as and when required. It is also not established that the management has terminated her services as alleged.

6. On behalf of the workman it was contended that the management has violated the provisions of Sec. 25(H) and Sec. 33 of the Act, and also clause 20.12 of Bipartite settlement 1966 and the contents of Finance Ministry's approach paper dated 16-8-1990. It is not at all established that Smt. Usha is a workman as defined under Sec. 2(s) of the Act. On the other hand the evidence on record and her admission would clearly prove that she was only a casual labourer. Sec. 25(H) of the Act provides for re-employment of retrenched workman. The workman in this case cannot claim the privileges of a retrenched workman as she was not retrenched but she was disengaged as casual labourer which does not tantamount to retrenchment as she was not an employee of the bank at any time. As she was not a workman as defined under Sec. 2(s) of the Act the Bipartite settlement applicable to workman in the bank are not applicable. Now the contention that there is violation of Sec. 33 of the Act is also devoid of merit as one Smt. C. Vasantha was appointed in the place of the retirement vacancy of the permanent part time sweeper. The management has stated that Smt. Vasantha was appointed on 29-3-1994 and she joined duty on 7-4-1994 which is well before the commencement of conciliation on 12-4-1994. This statement of management remains unchallenged or uncontroverted. That being the position Sec. 33 is not at all attracted.

7. Now with regard to violation of the provisions of Bipartite settlement, 1966 it is stated in paragraph 12 of the counter of management that the provisions of Bipartite settlement are applicable to the workmen of the bank whose terms of employment are express in writing and not applicable to casual labourers engaged during leave vacancies of part time sweepers. It is also stated that Sec. 20.12 of the Bipartite settlement is applicable to temporary employee appointed by the bank. According to the management Sec. 20.7 of the Bipartite settlement defines "temporary employee" as a workman who has been appointed for a limited

period for work which is of an essentially temporary nature who is employed temporarily as an additional workman in connection with a temporary increase in work of a permanent nature and includes a workman other than a permanent workman who is appointed in a temporary vacancy caused by the absence of particular permanent workman. The above statements are not in dispute. There is no evidence on record to show that Smt. Usha was neither appointed for a limited period for work nor employed temporarily as an additional workman as stated in the Bipartite settlement. On the other hand it is evident that she was engaged only on certain days purely on casual basis. Therefore the argument that the management has violated the provisions of Bipartite settlement 1966 is devoid of merit.

8. The next argument is that the management has violated the Finance Ministry's approach paper dated 16-8-1990 copy of which has been marked here as Ext. W2 and W2-A. On a perusal of Ext. W2 and W2-A it is clear that it is applicable to temporary employees in the clerical/subordinate cadre recruited by the bank. The approach paper had given guidelines for regularisation of temporary employees recruited by the bank through due process. According to the management it has created a panel of temporary sub staff by selecting candidates sponsored by Employment Exchange conforming to the eligibility norms by conducting interview. The claimant in this case is not subordinate staff like a Peon or Attender and was not sponsored by Employment Exchange. There is also nothing to show that she was recruited by the bank and she does not belong to pic recruitment cadre. She was only a casual labourer and she has done sweeping work which was being done by the permanent part time sweeper. Further the approach paper is applicable to those persons who were in the temporary sub staff panel to the date as on 1-1-1982. As stated by the management in paragraph 4 of their counter statement Smt. Usha's initial engagement as casual labourer was only in May 1983 which is not disputed by her. There is also no evidence to the effect that she was in the temporary sub staff panel of the bank. Hence the approach paper is not applicable to the worker. Therefore the relief claimed by the workman on the basis of the approach paper is misconceived.

9. As stated earlier Smt. Usha was only a casual labourer only for a total period of 197 days during 1-7-1993 to 2-7-1994 and not 240 days continuously as claimed by her. She has not worked for 240 days in 12 Calendar months as per Sec. 25B of the Act. She was engaged for few days when the permanent part time sweeper went on leave. The vacancy of the permanent part time sweeper was filled up by the management through due process of law by selecting candidate from the list sponsored by the Employment Exchange. In this state of affairs I have no hesitation to hold that the management has not violated the provisions under the Act, the Bipartite settlement and Finance Ministry's approach paper as alleged. The workman is accordingly not entitled to claim reinstatement in service or any other relief as prayed for.

10. In the result, an award is passed holding that the workman Smt. Usha is not entitled to get any relief in this reference.

C. N. SASIDHARAN, Industrial Tribunal

APPENDIX

Witness examined on the side of the Workman :

MW1. Smt. A. Usha.

Witness examined on the side of the Management :

MW1. Smt. Latha Sara Daniel

Documents marked on the side of the Workman

Ext. W1. Photostat copy of representation submitted by the workman to the management dated 7-3-1994

Ext. W2. Photostat copy of the order of Government of India dated 16-8-1990.

Ext. W2-A. Approach paper appended to Ext. W2.

Ext. W3. Photostat copy of complaint given to the Central Assistant Labour Commissioner by the workman on 31-3-1994.

Ext. W4. Photostat copy of complaint given to the Central Assistant Labour Commissioner by the workman on 19-8-1994.

Ext. W5. Photostat copy of objection submitted by the management to the Assistant Labour Commissioner Central dated 27-4-1994.

Ext. W6. Photostat copy of representation submitted to the Assistant Labour Commissioner, Central by the workman on 10-5-1994.

Ext. W7. Photostat copy of letter given to the Assistant Labour Commissioner, Central by the management bank dated 12-5-1994.

Ext. W8. Photostat copy of letter given to the Assistant Labour Commissioner, Central by the management bank dated 20-5-1994.

Ext. W9. Photostat copy of letter given to the Assistant Labour Commissioner, Central by the workman dated 31-5-1994.

Ext. W10. Photostat copy of minutes prepared by Assistant Labour Commissioner, Central on 31-5-1994.

Document marked on the side of the Management

Ext. M1. series (12 nos.). Vouchers.

नई दिल्ली, 5 फरवरी, 1997

कां. ग्रां. 556. —आर्थिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधक के संबंध में निर्यातों और उनके कर्मचारियों के बीच, अनुदान में निर्दिष्ट आर्थिक विवाद में, केन्द्रीय सरकार आर्थिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 04-02-97 को प्राप्त हुआ था।

[संख्या पद-12012/710/88-डी IV पृ. 0]

ब्राज मोहन, डेस्क अधिकारी

New Delhi, the 5th February, 1997

S.O. 556.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of Punjab National Bank and their workmen, which was received by the Central Government on 4-2-1997.

[No. 1-12012/710/88-DIV (A)]

BRAJ MOHAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 13 of 1989

PARTIES :

Employer in relation to the management of Punjab National Bank

AND

Their workmen.

PRESENT :

Mr. Justice K. C. Jagadeb Roy, Presiding Officer.

371 GI/97—8

APPEARANCE :

On behalf of Management—Mr. Joy Roy, Assistant Manager (P).

On behalf of Workmen—Mr. T. P. Ghorai, General Secretary of the Union.

STATE : West Bengal

INDUSTRY : Banking

AWARD

By Order No. 1-12012/710/88-DIV (A) dated 2nd May 1989 the Central Government in exercise of its powers under Section 10(1)(d) and (2-A) of the Industrial Disputes Act, 1947, referred the following dispute of this Tribunal for adjudication :

"Whether the action of the management of Punjab National Bank in stopping three increments with cumulative effect of Shri Biswajit Gupta is justified? If not, to what relief the workman entitled?"

2. Shri Biswajit Gupta, Clerk-cum-Cashier of Lansdown Road Branch of Punjab National Bank, Calcutta was subjected to a disciplinary proceeding on the allegation of charges as per Ext. M-2 and has been imposed with the punishment of stoppage of three increments with cumulative effect. The charge sheet dated 14 October 1985 shows that he was proceeded on two counts detailed in the same charge sheet marked Ext. M-2. To be precise, the first charge was that the workman had started a partnership firm M/s. ESSBEE Travels with a friend of his by name Shri Sampat Kumar Saha, having its office at his residential address at 119, Southern Avenue, Calcutta-29, showing his father Shri B. N. Gupta and Shrimati A. N. Saha, mother of the said Sampat Saha as benami partners. It was further alleged in the part-I of the charge that this workman alongwith his friend Sampat Kumar Saha managed to obtain a Pay Order for Rs. 68,547.55 p. dated 15-9-1980 in the name of Courtesy Motors from whom a Standard 20 Diesel Vehicle was purchased. This was done without making any loan application or without execution of any document as per the rules of the Bank. It was further alleged that no margining money was deposited, nor any term loan account was opened. It is further stated that this Pay Order was issued virtually to debit the amount to the Current Account No. 615 of Shri S. K. Ghosh and Shri N. K. Ghosh and Current Account No. 448 of M/s. V. Electricals, totally unconnected persons. Further an amount of Rs. 1452.45 p. was fraudulently debited to these accounts and made available to the said firm on 15-9-1980 by placing the same to the Current Account No. 625 of the firm at the Dharmatala Street, Calcutta.

In the part-2 of the charge, the allegation was, the vehicle was purchased and as referred to in paragraph 1, was being commercially plied and the delinquent Shri Gupta shared the profits arising out of the same which is evident from the fact that various amounts through cheques from Account No. 625 of M/s. ESSBEE Travels, numbering 11 cheques as were mentioned had been so deposited during the period 20-11-1980 and 7-9-1982 which amounted to about Rs. 15,000 or so.

Under the second charge, it was further indicated that the workman had opened up a joint account with Shri Sampat Kumar Saha in the Lansdown Road Branch of the Bank in April 1981 and the operation of the account would reveal that it was meant for business purposes and during the period 10-8-1981 to 7-2-1982 a sum amounting to Rs. 31,090 was deposited into that joint account on eighteen different dates and there was a joint account fixed deposit crediting Rs. 54,500 which he had opened with his relatives and/or Shri Sampat Kumar Saha in short span between 20-10-1982 and 12-5-1984, the period after the purchase of the vehicle in the year 1980.

It is accordingly alleged that these large deposits were not commensurate as per the earning of the delinquent at the relevant time. As such it could be concluded that such were the income from the benami firm M/s. ESSBEE Travels and profits, which according to the disciplinary authority constituted gross misconduct in terms of Clause 19.5 (A) (j)(1) of the Binartite Settlement of 1966 as the workman has allegedly took a business without written permission of the Bank and resorted to fraudulent transaction in connivance

with others for personal gain causing loss to the Bank as the firm was then denying the knowledge and liability of the transport loan to the tune of Rs. 70,000 as well as interest over the amount with effect from 15-9-1980.

3. The management exhibited three documents before the Tribunal during the hearing. Ext. M-1 is the report dated 20-6-1986 of the Enquiry Officer. Ext. M-2 is the charge sheet dated 14-10-1985 issued to Shri Biswajit Gupta, the delinquent. Ext. M-3 is the record of the proceeding of the domestic enquiry. The workman only exhibited a letter dated 14-12-1984 from the General Manager of the Bank to Shri Biswajit Gupta which was marked Ext. W-1. Ext. W-1 is a letter of the Bank putting the delinquent under suspension during enquiry.

4. Before the Tribunal the delinquent examined himself alone as the WW- and the management examined one Shri Manabendra Bhatti charjee who was appointed as the Enquiry Officer in the concerned disciplinary proceeding. No other witnesses were examined from either side.

5. Challenging the order of punishment the union argued that the charge sheet was belated because when the order of suspension was made on 14-12-1984, the charge sheet was issued on 14-10-1985. On this count alone the disciplinary proceeding is illegally initiated and should have failed in law and relied on two cases namely *Sarni Giri v. Union of India*, reported in 1984 Lab. I.C. 1548 and *Chowhan v. State of U.P.* (1977 A.W.C. 704). They further urge that there was no material before the Enquiry Officer to find the delinquent guilty of the first charge and partly on the second charge which the Enquiry Officer has come to hold in his report Ext. M-1.

6. The management however has made an attempt to justify their action stating that the disciplinary proceeding was conducted fairly affording all opportunity to the workman and the documentary evidence was enough to show the implication of the delinquent in the business transaction conducted by M/s. ESSBEE Travels and since all the alleged conduct were proved as per charge No. 1 justifying the allegation of gross misconduct on the part of the workman, the punishment was rightly imposed and the workman was liable even for more severe punishment.

7. The cases referred to by the workmen that the proceeding to be quashed since the delinquent was charge sheeted after a period of about 1 year after the order of suspension, has no application to the facts of this case since these cases referred to by the workmen referred to government servant for whom the Government of India issued the guidelines. No such guidelines are available to the benefit of Bank employees and nothing has been shown by the workmen that the Bank has adopted such guidelines for their employees.

8. The Bipartite Settlement made on 19th October, 1966 was on the industrial dispute between certain banking companies and their workmen. Chapter XIX of the said settlement deals with the disciplinary action and procedure therefor. Paragraph 19.1 of the said settlement reads as follows :

"19.1 In supersession of paragraphs 18.20, 18.24 and 18.28 of the Desai Award, a person against whom disciplinary action is proposed or likely to be taken shall in the first instance, be informed of the particulars of the charge against him and he shall have a proper opportunity to give his explanation as to such particulars. Final orders shall be passed after due consideration of all the relevant facts and circumstances. With this object in view, the following shall apply."

Paragraph 19.2 defines the expression of an offence which meaning an offence involving moral turpitude for which an employee is liable for conviction and sentence. Paragraph 19.4 of the same chapter says that if after steps having been taken to prosecute an employee or to get him prosecuted for an offence, he is not put in trial within a year of commission of offence, the management may then deal with him as if he committed an act of gross misconduct or of minor misconduct as defined. Gross misconduct has been defined in paragraph 19.5.

9. The present workman has been proceeded for gross misconduct as the act done by him is covered by sub-paragraph (a)(i)(1) of Paragraph 19.5 as enumerated below :

"19.5 By the expression "gross misconduct" shall be meant any of the following acts and omissions on the part of an employee :

(a) engaging in any trade or business outside the scope of his duties except with the written permission of the Bank ;

.....
.....

(j) doing any act prejudicial to the interest of the bank or gross negligence or negligence involving or likely to involve the bank in serious loss ;

.....
.....

(i) abetment or instigation of any of the acts or omission above-mentioned."

10. The contention raised by the workman is that a particular act on the part of the workman did amount to an offence under the provisions of law, the management is duty bound to proceed against him in order to prosecute him either by themselves or through the machinery of the State by lodging FIR and when pursuant to this the workman was not put in trial within a year of the commission of the offence, then only (underline is made for emphasis) the management may proceed against him for gross misconduct or minor misconduct as the case may be. Since no attempt by the management was made to prosecute the workman, to start a disciplinary proceeding was not authorised and was contrary to the Bipartite Settlement contained in paragraph 19.4.

11. In the totality of the charge, I have found that the management was alleging ill-motive on the part of the concerned workman to cheat the Bank and alleged that there was a conspiracy between this workman and his friend Shri Sampat Kumar Saha who conspired with others to defraud the Bank which could have been an offence under Section 120.B of the I.P.C. for a criminal conspiracy. Admittedly, the Bank had not taken any steps either to file a complaint case or to lodge a FIR against Shri Gupta nor any of the alleged conspirators for cheating the Bank, as a result of the conspiracy. That being the position, if paragraph 19.4 of the Bipartite Settlement would be construed strictly, the management could not have gone for a disciplinary proceeding straightaway. Assuming for a moment that the Bank had both the option either to go to the Criminal Court for relief against an employee for commission of an alleged offence or to take disciplinary action departmentally, the departmental proceeding which has been resorted to by his management is far from being satisfactory and in my opinion resulted in perversity as the conclusions are arrived at by the Enquiry Officer holding the first charge proved and the second charge proved partly without specifying which part of the second charge proved and which part was not proved. The report of the Enquiry Officer is one which is without any basis, apart from being not specific.

The report of the Enquiry Officer marked Ext. M-1 in its second paragraph shows that neither the Bank nor the employee produced any witness to be examined in support of their cases and he had to come to his conclusion only on the basis of certain documents namely registers of the Bank showing deposit of cheques, withdrawals from the account etc. In order to prove the misconduct, it was the management who had the burden of proof. They have not examined any witness to say before the Enquiry Officer what was the basis for the Bank to say that the present workman along with his friend Sampat Kumar Saha was running a business of transport in the name of their parents. No one has been examined from the side of the Bank to state that the loan had been actually granted to the workman or in the

alternative to the transport firm M/s. ESSBEE Travels at the instance of the workman concerned. On the other hand it is the evidence of MW-1 who retired as the Senior Manager in the Zonal Office and joined the Bank as an Officer in Grade-II and was the Enquiry Officer in the case that it was true that without document no loan could be sanctioned and in this case no such document was produced. Therefore, there is nothing on the record to show the loan granted to the delinquent workman who ultimately refused to pay the amount, nor was it found from any record that at his instance, a loan was sanctioned even to the ESSBEE Travels.

12. The workman has stated before the Tribunal that he came to know during the enquiry alone that a transport firm was constituted by his father with the mother of his friend as partners of M/s. ESSBEE Travels. The vehicle however was being repaired at a garage near the branch of the Bank where he was working, as such he was looking after the repairs and making the payments which reimbursed by the firm by issuing cheques in his favour which was deposited and he stated that the amount he used to incur in this regard never exceeded Rs. 3,000 on any occasion and at times, it was as small amount as Rs. 150. He also stated that his father has retired and an amount of Rs. 54,500 which he received as his retirement benefit, was deposited in his name (delinquent workman's) in fixed deposit and the fact that Shri Biswanit Gupta's father having received this money on retirement had been admitted by Mr. Bhattacharjee, MW-1.

13. No material has been produced before the Enquiry Officer to suggest that the entire business venture of ESSBEE Travels was started benami by the workman as well as his friend Sampat Kumar Saha in the name of their parents. The conclusion therefore is not well-founded that ESSBEE Travels was the benami business of the workman and his friend though standing in the name of their parents. The conclusion would have been well-founded if the Bank could have examined the father of the concerned workman and the mother of his friend as well as by examining Shri Das the then Manager of the Bank who issued the pay Order for the purchase of the vehicle to ascertain on the basis of what and at the request of which party this amount had been sanctioned. The Enquiry Officer MW-1 has stated that this loan was sanctioned by the then Manager of the Bank in his personal capacity and not as a Manager. In these conclusive pieces of evidence it was difficult to arrive at the conclusion that this workman alongwith his friend had floated a firm to have business of transport and enjoyed its profit. Before a man be saddled with punishment, the enquiry must be fair and complete and the punishment cannot be imposed on strong suspicion as I find has been done in this case.

14. Since the Enquiry Officer has not stated that which part of the second charge had been proved, I need not go into the question as to whether such proof of the part of the charge was justified or not as nothing has been stated specifically which part of the charge was proved and on the basis of what evidence.

15. I accordingly hold that the punishment imposed on the workman on the basis of the report of the Enquiry Officer was not justified. In consequence, the punishment imposing stoppage of increments with cumulative effect is also held to be not justified. The workman is entitled to receive his regular payment for the period, notwithstanding this order of punishment.

The reference is answered accordingly.

Dated, Calcutta,

The 16th January, 1997.

K. C. JAGADEB ROY, Presiding Officer

नई दिल्ली, 5 फरवरी, 1997

का० आ० 557.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार कारपोरेशन बैंक के प्रबंधन के संबंध में निम्नलिखित और उनके

कर्मचारियों के बीच, अनुसूच में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद 1 के पंचपट को प्रकाशित करनी है, जो केन्द्रीय सरकार को 4 फरवरी, 1997 को प्राप्त हुआ था।

[संख्या एन-12012/89/94-आई आर (बी II)]

ब्रज मोहन, ईस्क अधिकारी

New Delhi, the 5th February, 1997

S.O. 557.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad I as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Corporation Bank and their workmen, which was received by the Central Government on 04-02-97.

[No. L-12012/89/94-JR(B-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., J.L.B., Industrial Tribunal-I.

Dated, 6th day of January, 1997

Industrial Dispute No. 51 of 1994

BETWEEN

Sri Mohan Mohary 11-1-437, Mylargadda.

Seethaphal Mandi, Secunderabad-361.

Petitioner.

AND

The Regional Manager, Corporation Bank, Regional Office, 5-9-88/18/8, P.B. No. 384, Sapphire Complex, Chappal Road, Hyderabad.

Respondent.

APPEARANCES :

Sri G. Vidyasagar, Advocate for the Petitioner.

M/s. K. Srinivasa Murthy and G. Sudha, Advocates for the Respondent.

AWARD

The Government of India, Ministry of Labour, New Delhi made a reference to this Tribunal by its Order No. L-12012/89/94-IR(B-II) dated 26-8-1994 under Sections 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 for adjudication of the Industrial Dispute mentioned in its Schedule which reads as follows :

"Whether the action of the management of Corporation Bank, Hyderabad in dismissing Sri Mohan Mohary, Armed Guard from service w.e.f. 12-7-93 is justified? If not, what relief is the said workman entitled to?"

After receipt of the above reference, this Tribunal issued notice to both the parties and both parties have put in their appearance and filed claim statement and a counter.

2. The workman filed a claim statement contending as follows :—The Petitioner accompanied Sri K. Nageshwara Rao, Officer of the Branch on 9-7-1992 to bring the cash from A.P.D.D.C.F. Ltd. On the next day at 4.30 P.M. he was enquired about the missing notes, threatened and coerced to remit 44 pieces of Rs. 50.00 denomination on the ground that the said notes were missing from the bundle which was brought from A.P.D.D.C.F. Ltd. He was again forced to pay an amount of Rs. 1650.00 by borrowing the same from the co-employee. He was transferred to Hyderguda Branch on 7-7-1982, suspended on 3-8-1982 and served with the charge

sheet for committing the theft of 77 pieces of Rs. 50 currency notes from the Bank cash on 10-7-1992. He was forced to sign a statement on 5-8-1992 in the preliminary enquiry. His statement was recorded in English and the contents were not disclosed to him. An enquiry was conducted. A show cause notice was served and the petitioner was removed from service on 3-6-1993. His appeal was rejected on 11-11-1993. The enquiry was not conducted as per the regulations. The evidence was recorded in English which is not known to him. He was not given an opportunity to cross-examine the witnesses of the management. The Petitioner was forced to sign on the papers in the enquiry without disclosing the contents. The enquiry is in violation of the rules and principles of natural justice. There was no written report for the incident from the Branch Manager. The Branch Manager's statement was recorded 25 days later. His statement was concocted and fabricated. The petitioner is an Armed Guard and he was in no way connected with the currency notes of the Bank. The petitioner kept some cash in his pocket for his personal use, and he was forced to give the same under threat and coercion. The finding of the Enquiry Officer that the Petitioner is guilty of removal of currency notes is based on mere surmises and conjectures. When heavy cash is being handled, there will be discrepancy. There was shortage of cash brought from A.P.D.C.F. Limited, even on earlier occasion. The petitioner is entitled to reinstatement with back wages and other benefits.

3. The Respondent filed a counter contending as follows :— On 9-7-1992 the petitioner accompanied Sri K. Nageswara Rao, Officer to bring cash of Rs. 1.40 crores from A.P.D.C.F. Ltd. The amount was brought and kept in the Bank as late collection. It has to be remitted on 10-7-92. So the cash was sorted denomination wise on 10-7-1992. The petitioner also assisted in sorting out the cash. There was shortage of currency notes of Rs. 50.00 denomination from one bundle. Sri Nageswara Rao opened the same in the presence of Sri C. Swamy, Clerk and another Armed Guard. It was found that 44 pieces of Rs. 50.00 denomination were less. When questioned by Nageswara Rao and Manager J. George Dharmadas, the Petitioner confessed to the removal of cash and handed over the same by taking the notes from his pocket. After some time, another amount of Rs. 1650.00 was found missing from another bundle. The petitioner paid that amount also. Later he was transferred and an enquiry was conducted which resulted in his dismissal from service. The dismissal is justified. The enquiry is conducted as per the rules. The petitioner was given an opportunity to cross-examine the witnesses and the then General Secretary of the Employees Union defended the petitioner in the enquiry. He is well versed in English, Hindi and Marathi. The petitioner is also expressing himself in the enquiry. There is no illegality or irregularity in the enquiry. A preliminary enquiry was conducted in which the Petitioner confessed his guilt. The petitioner is not entitled to any relief.

4. The Respondent filed the record of domestic enquiry into Tribunal. Both the parties are heard and this Tribunal by an Order dated 12-9-1996 held that the domestic enquiry is valid. Then both the parties are heard on merits of the case.

5. The point for consideration is whether the Petitioner is entitled to reinstatement with back wages and other benefits?

6. POINT.—The petitioner who was an Ex-serviceman joined the service of the Bank as an Armed Guard in September, 1986. He was confirmed in 1987. He was working in Siddambar Bazar Branch, Hyderabad City in 1992. On 9th July, 1992 he accompanied Sri K. Nageswara Rao, Officer to A.P.D.C.F. Ltd. for bringing cash. An amount of Rs. 1.40 crores was brought to the Bank kept in seven Trunk Boxes. This amount has to be remitted in the currency chest at Hyderabad and so the sorting out of the amount was started on 10-7-1992. There was some shortage in two packets of Rs. 50.00 currency notes and the Petitioner was suspected to have removed them. It is alleged that when Sri Nageswara Rao complained to the Branch Manager, the latter questioned the petitioner and the Petitioner made good the amount by taking out the currency notes from his pocket. The petitioner was transferred to Hyderguda Branch in Hyderabad on 15-7-1992. The Senior Manager of the Siddambar

Bazar Branch sent a report dated 16-7-92 to the Regional Manager (marked as Ex. M-2 in the enquiry and the Regional Manager in his turn sent a report dated 18-7-1992 (marked as Ex. M3 in the enquiry) to the Assistant General Manager (Personnel). The Head Office instructed the Security Officer Sri Chittaranjan Mohanty to conduct a preliminary enquiry. Accordingly the Security Officer conducted a preliminary enquiry in which he recorded the statement of Sri G. Dharma Das (marked as Ex. M1 in the enquiry) Sri Chinniah Sub-Staff marked Ex. M4 in the domestic enquiry and Sri K. Nageswara Rao, Officer, Sri C. Swamy, Clerk and Sri S. Rama Rao, Officer and the petitioner-workman (marked as Exs. M5(a) to (d) in the domestic enquiry). The statement of the Petitioner is marked as Ex. M11 in this Tribunal. On a report sent by the Security Officer on 7-8-1992 a charge sheet Ex. M2 is served upon the Petitioner workman. He does not appear to have given any reply to the charge sheet. An enquiry was ordered and Sri S. V. S. Dattatreya, Law Officer, H.R.D. Head Office, Mangalore is appointed as Enquiry Officer. The Enquiry Officer examined (1) Sri G. George Dharma Das, Manager of the Branch, (2) Sri Vijaya Gopal, Personnel Officer of the Regional Office, (3) Sri Chinniah, Sub-Staff, (4) Sri C. Mohanty Security Officer, (5) Sri S. Swamy, Clerk, (6) Sri S. Rama Rao another Officer (7) Sri K. Nageswara Rao, Officer. It is not known whether the Petitioner workman did not offer himself as a witness to be examined in the enquiry. His deposition is not available. The docket sheet maintained by the Tribunal also does not contain any entry that he was examined. However, there is an entry in the docket sheet about the Enquiry Officer questioning him and the answers of the Petitioner to the question put by the Enquiry Officer are available in the enquiry file. It is not a correct procedure. It is for the delinquent to examine himself or not in the enquiry in support of his contention. It is for him to examine defence witnesses on his behalf. The Enquiry Officer questioned the Petitioner as if he is examined under Section 313 Cr. P.C. in a criminal case with reference to the incriminating circumstances in the evidence of the prosecution. I do not know whether the Standing Orders or the C.C.A. Rules of this particular Bank provided for such a procedure. The Rules are not filed before this Tribunal. The Petitioner workman or his Advocate have not taken an objection to such a procedure either in the claim statement or in the evidence of the Petitioner as W.W.1 when examined with reference to the validity of the domestic enquiry or during the course of arguments. The whole enquiry filed is marked as Ex. M9 by my predecessor.

7. The Enquiry Officer submitted Ex. M-10 enquiry report with the finding of the charges are proved against the Petitioner workman. Thereafter a show cause notice was issued and after considering the explanation of the petitioner he was dismissed from service. His appeal is also dismissed. So the workman raised this dispute.

8. The Petitioner who was working as Armed Guard in Siddambar Bazar, Branch of the Corporation Bank was served with Ex. M-2 charge sheet alleging theft of currency notes from the bundles. The whole version of the Bank was incorporated in detail in Ex. M-2 charge sheet. For better appreciation of the case, the whole charge sheet is extracted herein infra though it is lengthy.

"Whereas you were attached to Hyderabad-Siddambar Bazar Branch since 12-8-1991 to work as Armed Guard. Whereas, it is reported against you as follows :

That on 9-7-1992, as sum of about Rs. 1.4 crores was brought to the Branch from APDDCF Ltd., in 7 trunks, for being credited to their account. That you accompanied Shri K. Nageswar Rao Officer, while bringing the said cash to the Branch. That the amount received was treated as late cash for the day. That on 10-7-1992, with a view to remit the aforesaid cash to Currency Chest, Hyderabad, the cash packets were sorted out denomination-wise. That on that day, you assisted in sorting the cash packets denomination-wise. That at about 3.00 P.M. you went out of the branch for taking tea. That while verifying the cash bundles, Shri Nageswar Rao noticed that a cash packet of Rs. 50.00 denomination was appearing very thin in size. Thereupon, the cash bundle containing the

said cash packet was opened in the presence of Shri C. Swamy, Clerk and Shri S. S. Patel, Armed Guard. That when the said packet was counted, it was found that 44 pieces of Rs. 50 denomination were missing. That when you returned to the Branch, Shri Nageswar Rao enquired with you as to whether you had removed notes from the said cash packet. That you replied in the negative. That thereafter, when you came out of the strong room, Shri Nageswar Rao asked you not to move out of the banking hall till the missing cash was found. That, however, disregarding his advice, you left the banking hall and rushed towards the toilet. That when you came out of the toilet, Shri George Dharmadas, Manager questioned you regarding the missing notes of Rs. 50 denomination in the aforesaid cash packet. That you admitted before him your act of removing 44 pieces of Rs. 50 denomination notes from the said cash packet and also handed over the cash removed by you to him. That due to the delay, cash remittance to currency chest could not be affected on that day. That when Shri Nageswar Rao resumed work, he noticed one more cash packet of thin size in the same trunk in which cash shortage had been found earlier. That on verification, it was found that 33 pieces of Rs. 50 denomination notes were missing in that cash packet. That on being questioned by Shri George Dharmadas, you admitted having removed the said notes also and immediately made good the cash.

The aforesaid acts of commission and omission on your part, if proved, would tantamount to doing acts prejudicial to the interest of the Bank, a gross misconduct under Clause 19.5(j) of the Bipartite Settlement applicable to you, besides involving moral turpitude."

The petitioner workman did not give an explanation to the charge sheet though it was served upon him on 30-10-1992 as per Ex. M-4 letter of the Senior Manager of the Branch, the Chief Manager of H. R. D. in Head Office. The Management relied upon (I) evidence of (i) Shri K. Nageswar Rao who was responsible for the amount of Rs. 1.4 crores brought from A.P. Dairy Development Co-operative Federation Ltd., (ii) Shri G. George Dharmadas before whom the petitioner was said to have confessed the misconduct and produced the currency notes from his packets, and (iii) Shri C. Mohanty, Security Officer to whom the petitioner gave Ex. M-11 statement and (II) version of the petitioner in the enquiry.

9. Shri K. Nageswar Rao spoke to the conduct of the petitioner-workman when he found that one packet of Rs. 50 currency is thin and some pieces are missing. The petitioner went away to toilet in spite of instructions not to go and Shri K. Nageswar Rao followed the petitioner upto the toilet and again from the toilet to the Banking Hall. Then Shri K. Nageswar Rao complained to Shri G. George Dharmadas, the Bank Manager. Shri Dharmadas questioned the petitioner with a report to the higher authority and to Police. The petitioner workman took out 38 pieces of currency notes from one pocket and then six from another pocket in all 44 currency notes of Rs. 50 denomination were handed over to them. When another bundle is being counted, again there was shortage. The petitioner was again questioned about it and he brought money from outside and handed over the currency notes to Shri K. Nageswar Rao. The evidence of Shri K. Nageswar Rao and Shri G. George Dharmadas is very consistent on this aspect. They were corroborated by Chinniah, Sub-Staff who was also present at the time of counting. He has specifically stated that when Nageswar Rao found the shortage and asserted that the Petitioner is responsible for the shortage and when Nageswar Rao asked the Petitioner not to go out of the strong room, the petitioner went away to toilet, taking advantage of the fact that Nageswar Rao went to the Branch Manager to report the matter to Shri Dharmadas. The shortage was found by Shri C. Swamy, Clerk who participated in the counting. The confession of the Petitioner-workman was spoken to by Shri S. Ram Rao

another officer in the preliminary enquiry as well as before the Enquiry Officer. They withstood the lengthy and testing cross-examination.

10. So far the confessional statement Ex. M-11 given to the Security Officer is concerned it has to be seen that the petitioner admits that he removed the 44 pieces from one bundle and handed over to the Branch Manager. He denies to have removed 33 pieces of Rs. 50 currency notes from another bundle but he was forced to make good the same by borrowing from others. His statement can be usefully extracted for better appreciation :—

"Around 4.30 P.M. Mr. K. Nageswar Rao reported missing of 44 pieces of Rs. 50s denomination and enquired from me regarding the same. For 10, to 15 minutes I could not think anything. Later on Mr. K. Nageswar Rao called Mr. George Dharmadas, Manager, who asked me regarding the missing notes. I returned 44 pieces of Rs. 50s denomination notes to Mr. George Dharmadas. Later on while counting the remaining bundles, Mr. Nageswar Rao found 33 pieces missing from one more bundle. He charged me for the loss and forced me to return, otherwise the matter would be reported to police and the Regional Manager. Since I had returned the previous amount, I felt I should also return this amount for the sake of my service and family. I requested the staff members to lend me an amount of Rs. 50 (Rupees one thousand six hundred fifty only). Shri Kamesh Babu and Shri C. Swamy agreed to arrange the money. So after borrowing the amount from them, I returned the Rs. 1650 (one thousand six hundred and fifty only) to Shri K. Nageswar Rao."

The petitioner again took the same plea when he was questioned by the Enquiry Officer. When questioned about himself handing over 38 pieces, 4 pieces and 2 pieces in all 44 pieces of currency notes missing from the first bundle. The answer is follows :—

"The notes were folded were in my pocket. When I removed the notes 38 notes came to my hand. Again I removed four notes and 2 notes from the same pocket."

When questioned about making good the loss in the second bundle, he states that he borrowed money from others and paid the same to Sri K. Nageswar Rao out of fear and anxiety and worry about his job. Thus he admitted about himself taking out 44 pieces of Rs. 50. currency notes from the first bundle and denies taking 33 pieces out of the second bundle. In the said circumstances, his confession Ex. M11 to the Security Officer has to be accepted as voluntary.

11. The learned counsel for the Petitioner argued that he is only an Armed Guard and he has nothing to do with counting of the currency. He also argued that he was implicated. But the witnesses have specifically stated that the Petitioner also participated in the counting and he went out only when the shortage was found.

12. In the above circumstances, I hold that the charge against the petitioner is proved. The Armed Guard is expected to prevent thefts. He himself committed the theft. He does not deserve any mercy or interference under Section 11-A of the I.D. Act.

13. Hence an Award is passed holding that the Management of the Bank is justified in dismissing the petitioner from service and the Petitioner is not entitled to any relief.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 6th day of January 1997.

V.V. RAGHAVAN, Industrial Tribunal

APPENDIX OF EVIDENCE

Witness examined for the Petitioner

W.W.1-Mohan Mohanty

Witness examined for the Respondent

M.W.1—S.V.S. Dattatreya

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

Ex.M1/29-12-92—Appointment letter issued by the Respondent-Bank appointing an Enquiry Officer in the case issued to Enquiry Officer.

Ex.M2/2-9-92—Copy of the charge sheet issued to Petitioner.

Ex.M3/29-12-92—Appointment of Presiding Officer Sri Krishna Raja Rao on behalf of the Respondent.
Ex.M4 30-10-92 Letter with regard to the explanation to the charge sheet.

Ex.M5/31-12-92—Letter to the Petitioner regarding the enquiry to be conducted on 20-1-93 (Enquiry Notice)

Ex.M6/19-1-93—Telegram from the Petitioner regarding the postponement of the Enquiry.

Ex.M7/18-1-93—Letter confirming the Telegram issued by the Petitioner.

Ex.M8/ —Copy of the Telex Message postponed in the enquiry to 25-1-93.

Ex.M9/ —Enquiry File.

Ex.M10/16-4-93—Enquiry Report submitted by M.W.1.

Ex.M11/ —Statement of the workman in Ex.M9.

नई दिल्ली, 5 फरवरी, 1997

का.आ. 558—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार मैसर्स ईस्टर्न कोलफील्ड्स लि. का निरसा क्षेत्र के प्रबन्धन के संबंध निरसा क्षेत्र और उनके कर्मचारियों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 1), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-2-97 को प्राप्त हुआ था।

[संख्या एल-20012/52/88-डी III ए/आई आर (सी-1)]

ब्रज मोहन, डैस्क अधिकारी

New Delhi, the 5th February, 1997

S.O. 558.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 1), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Eastern Coalfields Ltd., (Nirsa Area) and their workmen,

which was received by the Central Government on 5-2-1997.

[No. L-20012/52/88-DIII A/IR (C-1)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NO. 1, DHANBAD

In the matter of a reference under Section 10 (1)(d)(2A) of the Industrial Disputes Act, 1947

Reference No. 43 of 1990

PARTIES :

Employers in relation to the management of Nirsa Area of M/s. Eastern Coalfields Ltd.

AND

Their Workmen.

PRESENT :

Shri Tarkeshwar Prasad, Presiding Officer

APPEARANCES :

For the Employers : Shri B. Joshi, Advocate.

For the Workmen : Shri Anand Mohan Prasad, Secretary, Coalfield Labour Union.

State : Bihar. Industry : Coal.
Dhanbad, the 17th January, 1997

AWARD

By Order 'No. L-20012/(2)/88.D.III(A)/IP (Coal-I) dated 5-2-1990 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the management of Badjna Colliery of M/s. Eastern Coalfields Ltd. in denying employment to Shri Basudeo Bhuiya and 682 others shown in the annexure is justified? If not, to what relief are workmen entitled to?”

ANNEXURE

Names of the workmen mentioned in the Schedule

1. Basdeo Bhuiyan
2. Satdev Bhuiyan
3. Ruplal Prasad Yadav
4. Mitthu Bhuiyan
5. Brahm Dev Prasad Yadav
6. Basdev Prasad Yadav
7. Ram Chandra Sao
8. Jawahar Bhuiyan
9. Dahu Paswan

10. Jagdish Bhuiyan
11. Rajendra Prasad Yadav
12. Baldev Bhuiyan
13. Jumna Bhuiyan
14. Sarju Bhuiyan
15. Maljit Bhuiyan
16. Daso Bhuiyan
17. Ram Prasad Bhuiyan
18. Jagdish Bhuiyan-2
19. Lalan Bhuiyan
20. Baleshwar Chaudhry
21. Prasadi Bhuiyan
22. Chhotan Bhuiyan
23. Raj Kumar Mahto
24. Karu Bhuiyan
25. Siva Bhuiyan
26. Mahash Ravidas
27. Arjuna Bhuiyan
28. Kesho Bhuiyan
29. Sarjun Bhuiyan
30. Gilar Bhuiyan
31. Ram Bhui Bhuiyan
32. Karma Bhuiyan
33. Jagdish Bhuiyan-III
34. Bal Bhuiyan
35. Lakhan Bhuiyan
36. Mohan Chaudhury
37. Mohan Bhuiyan
38. Bundel Bhuiyan
39. Ganga Chaudhury
40. Baleshwar Bhuiyan
41. Bundi Bhuiyan
42. Naresh Bhuiyan
43. Bulak Bhuiyan
44. Babu Lal Bhuiyan
45. Nanda Bhuiyan
46. Shanicher Pandit
47. Chamari Bhuiyan
48. Lakhan Bhuiyan-II
49. Maheshwar Bhuiyan
50. Ram Balak Chaudhury
51. Bachhu Bhuiyan
52. Mohan Bhuiyan-III
53. Lalo Bhuiyan
54. Ram Chandra Bhuiyan
55. Bundel Bhuiyan-II
56. Khelawan Paswan
57. Jwabar Chaudhury
58. Baleshwar Chaudhury
59. Amita Chaudhury
60. Krishna Chaudhury
61. Karu Chaudhury
62. Muna Paswan
63. Paras Nath Chaudhury
64. Rajendra Mahatha
65. Jhari Bhuiyan
66. Jamal Khan
67. Arjun Bhuiyan
68. Vachan Bhuiyan-II
69. Baleshwar Pandit
70. Tanik Prasad Sinha
71. America Chaudhury
72. Ram Swarup Bhuiyan
73. Shrawan Bhuiyan
74. Arjun Bhuiyan-III
75. Lakhan Bhuiyan-IV
76. Ram Hari Bhuiyan
77. Bindeshwar Paswan
78. Bishun Ram
79. Muni Rajwar
80. Sindheshwar Bhuiyan
81. Muni Rout
82. Rama Bhuiyan
83. Sudeshwar Bhuiyan
84. Indra Deo Ram
85. Sukhdev Prasad Yadav
86. Manik Chandra Pd. Yadav
87. Rambharos Prasad
88. Bachhu Prasad
89. Mundika Prasad
90. Rajendra Prasad
91. Raju Raibanshi
92. Kelash Prasad
93. Mahadev Prasad
94. Sukar Prasad
95. Pucha Bhuiyan
96. Naval Yadav
97. Heman Bhuiyan
98. Achutanand Singh
99. Mathura Bhuiyan
100. Jitan Gope
101. Madan Sao
102. Sikhandar Ram
103. Tanku Bhuiyan
104. Nageshwar Ram
105. Balmiki Ojha
106. Mishri Bhuiyan
107. Budhan Bhuiyan
108. Akhileshwar Singh
109. Suresh Kumar
110. Krishna Ram
111. Masudan Ram
112. Md. Sakil
113. Md. Jehangir
114. Dashrath Rabidas
115. Brahm Dev Rabidas
116. Md. Sagir
117. Md. Majid
118. Md. Samim
119. Lakhan Ram
120. Dinesh Kumar
121. Arjun Rabidas
122. Kailash Rabidas
123. Babu Lal Rabidas
124. Shambhu Singh
125. Mahendra Rabidas
126. Suresh Rabidas
127. Puna Bhuiyan
128. Lakhan Bhuiyan-V
129. Athar Husain
130. Rajendra Prasad
131. Dilip Kumar
132. Md. Usman
133. Md. Majid
134. Md. Jamal
135. Sakil Ahmed
136. Md. Javed
137. Krishna Pandit
138. Md. Salimuddin
139. Ganauri Bhuiyan
140. Balmiki Prasad
141. Vijay Kumar
142. Dinesh Kumar

143. Muni Rabidas	211. Kisun Prasad Yadav
144. Bhureshwar Rabidas	212. Rajo Pandit
145. Prasadi Rabidas	213. Bodri Ram
146. Mahe-shwari Rabidas	214. Anant Kumar Singh
147. Mahesh Rabidas	215. Basdeo Rai
148. Ramswarup Rabidas	216. Umesh Prasad Singh
149. Amika Ram	217. Rajendra Prasad Yadav
150. Manik Chandra Rabidas	218. Kanhai Prasad Yadav
151. Vijay Mistry	219. Dhaneshwar Prasad Yadav
152. Rameshwar Bhuiyan	220. Sobhi Prasad Yadav
153. Kalo Bhuiyan	221. Surendra Prasad Yadav
154. Rambhuj Rabidas	222. Lal Bihari Pd. Yadav
155. Nageshwar Ram	223. Skandeo Prasad Yadav
156. Md. Hamid	224. Ramchswar Rai
157. Krishna Ram	225. Iethu Rai
158. Shiv Balak Pandit	226. Ram Sagar Bhuiyan
159. Bacchu Rabidas	227. Mahavir Rai
160. Visundhari Rabidas	228. Kashi Mistri
161. Bhushan Rabidas	229. Sita Ram Mistri
162. Suresh Rabidas	230. Hari Charan Sao
163. Visun Paswan	231. Divakar Singh
164. Mihlesh Kumar	232. Prabhakar Singh
165. Bijay Prasad	233. Deven Mandal
166. Lakshman Bhuiyan	234. Baldeo Yadav
167. Purnmeshwar Bhuiyan	235. Nandlal Yadav
168. Kuleshwar Bhuiyan	236. Mahadeo Paswan
169. Panchu Bhuiyan	237. Satendra Paswan
170. Basdeo Bhuiyan-II	238. Krishna Paswan
171. Shyam Sunder Bhuiyan	239. Ram Sahai Paswan
172. Barogi Bhuiyan	240. Shyam Lal Prasad
173. Alakh Bhuiyan	241. Ram Chandra Ved
174. Navar Kishore Sharma	242. Indradeo Prasad
175. Hari Bhuiyan	243. Chando Paswan
176. Baleshwar Bhuiyan	244. Arvind Kuman Sudhanso
177. Md. Nasim	245. Bharat Paswan
178. Kelash Bhuiyan	246. Maheshwari Paswan
179. Rajendra Prasad Yadav	247. Sivanandan Tanti
180. Dwarka Prasad Yadav	248. Chandeshwar Bhuiyan
181. Manoar Bhuiyan	249. Takhan Bhuiyan
182. Md. Nasimuddin	250. Rajendra Bhuiyan
183. Md. Muin	251. Shibu Bhuiyan
184. Jiauddin Khan	252. Ramvriksh Bhuiyan
185. Jagdish Rabidas	253. Rupal Tanti
186. Vijay Prasad Yadav	254. Rameshwar Bhuiyan
187. Ram Naresh Ram	255. Kisun Bhuiyan
188. Shriram Yadav	256. Bichhu Bhuiyan
189. Lal Narain Mistry	257. Uendra Prasad Yadav
190. Mathura Pandit	258. Iato Prasad Yadav
191. Ram Balak Rabidas	259. Iato Rabidas
192. Ganesh Das	260. Gobind Paswan
193. Mahendra Lal	261. Kapil Deo Paswan
194. Baldev Yadav	262. Kedar Paswan
195. Suresh Prasad	263. Titu Bhuiyan
196. Jagdish Ram	264. Vinod Kumar Singh
197. Pradip Kumar	265. Ashok Kumar Singh
198. Sukhdev Prasad	266. Rajendra Mandal
199. Lakshman Rabidas	267. Ashish Kumar Singh
200. Dipak Rabidas	268. Sona Lal Bhuiyan
201. Krishnadeo Kumar	269. Shrideo Bhuiyan
202. Ramji Das	270. Paghhu Bhuiyan
203. Arjan Rabidas	271. Sanatan Bhuiyan
204. Dhurap-har Rabidas	272. Sandagar Bhuiyan
205. Khab Lal Ram	273. Bachan Gone
206. Md. Nasim Ansari	274. Niamat Sekh
207. Lavakut Ali	275. Bhagwati Chaudhury
208. Hari Turi	276. Shrikumar Chaudhury
209. Kumar Prasad Yadav	277. Anil Chaudhury
210. Subdev Prasad Yadav	278. Narsin Pandit

279. Ramvriksh Bhuiyan
280. Kesar Bhuiyan
281. Gangadhar Bhuiyan
282. Jamna Bhuiyan
283. Triveni Bhuiyan
284. Shankar Bhuiyan
285. Brahmdeo Bhuiyan
286. Bisun Bhuiyan
287. Shiv Shankar Bhuiyan
288. Gangadhar Bhuiyan
289. Bandhi Bhuiyan
290. Md. Badruddin
291. Sita Ram Yadav
292. Baldeo Nayak
293. Virendra Kumar Nayak
294. Baham Nayak
295. Riaz Ahmed
296. Md. Fakhruddin
297. Md. Harfan
298. Nand Kishore Sao
299. Nawab Mian
300. Md. Subir Ahmed
301. Naushad
302. Md. Nasad Ali
303. Md. Minhaz Ahmed
304. Md. Muna Ahmed
305. Mauji Bhuiyan
306. Ramdhari Bhuiyan
307. Rajendra Bhuiyan
308. Sokhi Bhuiyan
309. Bal Kisun Bhuiyan
310. Badri Ram
311. Chatu Prasad
312. Jhari Prasad
313. Parmeshwar Prasad
314. Mahendra Prasad
315. Mangru Prasad
316. Lalo Prasad
317. Sohar Prasad
318. Suklideo Prasad
319. Baso Prasad
320. Jharo Paswan
321. Jharia Paswan
322. Lakhan Paswan
323. Siva Paswan
324. Lakhan Rabidas
325. Jumna Rabidas
326. Jageshwar Rabidas
327. Mahendra Rabidas
328. Sitaram Rabidas
329. Lakshman Rabidas
330. Jharia Rabidas
331. Brihaspat Ram
332. Sukar Ram
333. Shanichar Ram
334. Somar Prasad
335. Ratan Bhuiyan
336. Babulal Bhuiyan
337. Bhuneshwar Prasad
338. Lato Prasad
339. Sarju Prasad
340. Dipak Mahto
341. Ram Nath Mahto
342. Ramji Mahto
343. Dharmnath Pandit
344. Chandradeo Mahto
345. Ranglal Pandit
346. Tilak Mahto
347. Jagdish Mahto
348. Shivshankar Mahto
349. Gorkha Mahto
350. Surendra Mahto
351. Narad Mahto
352. Bhagwan Mahto
353. Shankar Mahto-I
354. Shankar Mahto-II
355. Kewal Mahato
356. Tilak Mahto-II
357. Jawahir Mahto
358. Brahma Mahto
359. Harishankar Mahto-I
360. Ishwar Mahto
361. Shribhagwan Mahto-I
362. Chandra Deo Chaudhury
363. Manai Mahto
364. Lalan Mahto-I
365. Swami Nath Thakur
366. Shankar Mahto-III
367. Sudarshan Mahto
368. Nandlal Mahto
369. Mirgunath Pandey
370. Ram Kishore Sah
371. Dona Pandit
372. Jiut Mahto
373. Ram Dayal Mahto
374. Ramji Lal Mahto-I
375. Munnilal Mahto
376. Rajdeo Sah
377. Shivji Sah
378. Sudarshan Sah
379. Rajendra Mahto
380. Sukhdeo Mahto
381. Shivsagar Mahto
382. Mahabir Mahto
383. Ram Iqbal Pandit
384. Ajit Mian
385. Radha Pandit
386. Parasram Mahto
387. Banrsi Mahto
388. Madan Taskur
389. Mirgunath Mahto
390. Matfar Mian
391. Madan Mahto
392. Yogendra Pandit
393. Mangal Raut
394. Yogendra Raut
395. Hariram Upadhyaya
396. Ratan Sah
397. Gauri Shankar Mahto
398. Vigan Supar
399. Hira Supar
400. Kamta Mahto
401. Lal Bihari Mahto-I
402. Lakshman Mahto
403. Chandradeo Mahto-II
404. Jaglal Mahto
405. Dharmdeo Pandit
406. Keshinath Yadav
407. Bulram Yadav
408. Mohan Yadav
409. Gopal Yadav
410. Umakant Yadav
411. Bali Yadav
412. Narad Sharma
413. Shambhunath Yadav
414. Gopal Mahto

415. Kunwar Mahto
416. Lalbihari Mahto-II
417. Lalu Mahto
418. Ramji Mahto
419. Shivbachhan Mahto
420. Rajdeo Mahto
421. Vidha Mahto
422. Lalan Mahto-II
423. Shribagwan Mahto-II
424. Dular Chand Mahto
425. Marat Mahto-I
426. Surendra Choubey
427. Lalan Mahto-III
428. Vijay Prasad
429. Sukhal Mahto
430. Raghubir Mahto
431. Shekhar Mahto
432. Shivdhari Mahto
433. Prabhunath Mahto
434. Udaynarain Prasad
435. Virendra Thakur
436. Harikishun Mahto
437. Shildayal Mahto-II
438. Sitaram Mahto
439. Lal Chandra Mahto
440. Gulabchand Mahto
441. Jaglal Yadav
442. Parma Yadav
443. Marat Rai
444. Shambhu Prasad
445. Chandrika Mahto-I
446. Shivji Mahto-II
447. Kali Charan Mahto
448. Devraj Mahto
449. Haricharan Mahto
450. Rajaram Mahto
451. Dudhnath Mahto
452. Hiralal Mahto-I
453. Asharfilal Prasad
454. Ram Iqbal Mahto-II
455. Banikalal Mahto
456. Uma Shankar Mahto-I
457. Ram Surat Mahto
458. Ram Pravesh Mahto
459. Ram Ratan Mahto
460. Hiralal Mahto-II
461. Tejnath Mahto
462. Hari Kishore Mahto
463. Ramvallabh Mahto
464. Lalan Sah
465. Abbas Ansari
466. Rajendra Prasad
467. Shiri Mahto
468. Pujvadeo Mahto
469. Bodha Thakur
470. Arjun Sharma
471. Mofli Mahto
472. Shankar Mahto-IV
473. Lalbabu Mahto
474. Punkal Mahto
475. Chandrika Mahto-II
476. Parasnath Yadav
477. Sarvug Mahto
478. Krishna Mahto
479. Dashrath Mahto
480. Ramdhari Mahto
481. Anardwip Mahto
482. Ramagant Mahto
483. Mahanth Mahto
484. Ganga Mahto
485. Mahesh Mahto-I
486. Uma Shankar Mahto-II
487. Shivratan Mahto
488. Jatan Mahto
489. Ansari Mahto
490. Vakil Mahto-I
491. Shiv Kumar Mahto
492. Radha Mahto
493. Hiralal Ram
494. Surendra Mahto
495. Sukhdeo Mahto-II
496. Hardeo Mahto
497. Virendra Mahto
498. Daroga Mahto
499. Shrinivas Mahto
500. Jairam Mahto
501. Gautam Mahto
502. Durga Mahto-I
503. Harishankar Mahto-II
504. Gorakh Mahto
505. Rajendra Mahto
506. Sikandar Mahto
507. Shankar Mahto-V
508. Manager Mistry-I
509. Vakil Mahto-II
510. Kaleshwar Mahto
511. Shambhu Mahto-II
512. Ramdayal Mahto-II
513. Naresh Mahto
514. Damodar Dubey
515. Raman Chaudhury
516. Durga Mahto-II
517. Lalan Mahto-V
518. Shambhu Mahto-II
519. Babulal Mahto
520. Chandrika Mahto-III
521. Kishore Mehto-I
522. Shri Kishun Mahto
523. Mundrika Mahto
524. Ram Bilas Mahto
525. Ram Pratap Mahto
526. Dadan Mahto
527. Shivanth Mahto
528. Lalan Mahto-IV
529. Janardhan Mahto
530. Ramganesht Yadav
531. Shri Kishun Yadav
532. Shri Bhagwan Yadav
533. Prahlad Yadav
534. Triloki Yadav
535. Vinda Yadav
536. Ram Nivas Yadav
537. Sukhdeo Yadav
538. Chathilal Mahto
539. Mitani Chandra Dhivar
540. Jitan Dhivar
541. Bhim Dhivar
542. Arjun Dhivar
543. Vikrama Mahto
544. Rajkumar Mahto
545. Shivshankar Yadav
546. Hiralal Mahto-III
547. Brij Kishore Mahto-II
548. Sitaram Chauhan
549. Ashok Kumar Ram
550. Rangila Mahto-I
551. Tilak Mahto-III

- | | |
|----------------------------|------------------------|
| 552. Vishnanath Mahto-I | 619. Prabhu Mehto-II |
| 553. Umashankar Mahto-III | 620. Suraj Mahto |
| 554. Deo Kumar Mahto | 621. Rangila Mahto-II |
| 555. Bharat Mahto-II | 622. Manan Sah |
| 556. Lalan Mahto | 623. Daroga Yadav |
| 557. Viraj Mahto | 624. Kitabuddin Ansari |
| 558. Laldeo Mahto | 625. Chandradwip Mahto |
| 559. Mahesh Mahto-II | 626. Shivanarain Mahto |
| 560. Ramnaresh Mahto | 627. Asharfi Sah |
| 561. Prithvi Nath Mahto | 628. Sudama Sah |
| 562. Ramtray Mahto | 629. Vidyunand Rai |
| 563. Laldeo Mahto | 630. Kailash Yadav |
| 569. Kali Charan Mahto | 631. Samir Mahto |
| 570. Ramshankar Mahto | 632. Ram Swarup Paswan |
| 571. Hare Ram Mahto | 633. Badal Singh |
| 572. Duniya Mahto | 634. Gauri Shankar Ram |
| 573. Ramjit Mahto | 635. Rajadhari Mahto |
| 574. Ram Kunwar Mahto | 636. Dinanath Mahto |
| 575. Butan Mahto | 637. Shyam Deo Prasad |
| 576. Dingar Mahto | 638. Ramdeo Prasad. |
| 577. Dinanath Mahto-I | 639. Rajendra Mahto |
| 578. Chanesar Sah | 640. Ashok Thakur |
| 579. Jamdar Mahto-I | 641. Dilip Prasad Sah |
| 580. Janak Mahto | 642. Nandlal Turi |
| 581. Motilal Mahto | 643. Nageshwar Mahto |
| 582. Videshi Mahto-I | 644. Prabhu Mahto-III |
| 583. Vishwanath Mahto-II | 645. Naresh Turi |
| 584. Gautam Sah | 646. Durga Mahto-III |
| 585. Videshi Mahto-II | 647. Anil Turi |
| 586. Shri Bhagwan Mahto-II | 648. Pachratan Sah |
| 587. Md. Hassan Mian | 649. Satyanarain Sah |
| 588. Harendra Pandit | 650. Saumar Paswan |
| 589. Shivalak Mahto | 651. Suresh Yadav |
| 590. Sadhu Mahto | 652. Sakdip Sah |
| 591. Ram Balak Mahto | 653. Dharmendra Prasad |
| 592. Chandra Mahto-I | 654. Rajdeo Yadav |
| 593. Jamadar Mahto-II | 655. Tarkeshwar Sah |
| 594. Rajendra Sah | 656. Dhaneshwar Sah |
| 595. Gorakh Sah | 657. Ramji Yadav |
| 596. Jawahir Ram | 658. Viteshwar Paswan |
| 597. Jagnarayan Mahto | 659. Deonarain Mahto |
| 598. Mewalal Mahto | 660. Algu Mahto |
| 599. Gyan Chandra Mahto | 661. Pashpati Mahto |
| 600. Gulab Mahto | 662. Ram Nath Mahto |
| 601. Kamaldeo Mahto | 663. Raghubir Mahto |
| 602. Uma Shankar Mahto-IV | 664. Kanhaiya Mahto |
| 603. Tilak Deo Mahto | 665. Ram Pukar Mahto |
| 604. Lakshman Mahto | 666. Hiralal Mahto |
| 605. Kudu Mahto | 667. Yogendra Mahto |
| 606. Ganesh Ram | 668. Gorakh Mahto |
| 607. Shankar Mahto-IV | 669. Ram Lakhan Mahto |
| 608. Shivji Goswami | 670. Uma Shankar Mahto |
| 609. Yogendra Mahto | 671. Harilal Mahto |
| 610. Ganesh Mahatta | 672. Hare Kishan Mahto |
| 611. Chandra Deo Mahto-III | 673. Parasnath Mahto |
| 612. Prabhu Mahto-I | 674. Virendra Mahto |
| 613. Gautam Mahto | 675. Swaminath Mahto |
| 614. Deoraj Mahto | 676. Krishna Pandit |
| 615. Chandra Mahto-II | 677. Dinanath Mahto |
| 616. Surendra Mahto | 678. Kripal Mahto |
| 617. Vishwanath Mahto | 679. Ram Kishun Mahto |
| 618. Algu Mian | 680. Mual Ram |
| | 681. Chandeshwar Mahto |
| | 682. Yogendra Mahto |
| | 683. Dudhnath Mahto. |

2. The workmen and sponsoring union have appeared and filed written statement stating therein that they were employed in Durga Boka Pahari colliery now a part of Badjra Colliery since before nationalisation of the coal mines in

the year 1973 and it was open cast mine and they were working in different work. Before nationalisation there was some dispute between R. K. Agarwalla, owner of Durga Boka Pahari Colliery and M/s. Oriental Coal Company regarding title and ownership of the colliery and criminal case was lodged and Civil Suit was also filed. It is said that after nationalisation of M/s. Oriental Coal Company adjacent Badjna colliery were taken over by the Central Government Ordinance, 1972 followed by an Act of 1973 and the said colliery was vested in the Coal Mines Authority from 1-5-73. It is said that after nationalisation of Durga Boka Pahari Colliery it remained under the possession of R. K. Agarwalla and the colliery continued to be worked through his workers. It is said that as ownership was being claimed by Coal Mines Authority a Civil Suit No. 5 of 1974 was filed by Sri Agarwalla with a plea that this colliery has not been vested in the Central Government. During pendency of the Suit the colliery used to continue to work by Sri Agarwalla through his workmen.

3. But it is said that in the year 1979 by intervention of the State Authorities Sri R. K. Agarwalla relented and the possession of the colliery and it passed over to M/s. E.C. Ltd. and Coal Mines Authority had undertaken possession of the said by Eastern Coalfields Ltd. which was merged with Badjna colliery in the year 1979. It is said that as the ownership of the colliery vested to M/s. E. C. Ltd. similarly the workmen who were employed there became workers of the said management of M/s. E.C. Ltd. as per Coal Mines (Nationalisation) Act, 1973 and the said management of M/s. E.C. Ltd. did not take over the workmen and they filed several representations from time to time through their union but nothing was done on it and the workmen belonging to Schedule Caste and Schedule Tribes were made to suffer for no fault of their and the dispute was raised and the reference was made in this Tribunal for adjudication.

4. It was finally stated that an award be passed in favour of the workmen declaring the action of the management of Badjna Colliery of M/s. E.C. Ltd. denying employment to them was not justified and their services be regularised with full back wages.

5. I further find that the management has appeared and filed written statement stating, inter-alia, that earlier the Central Government refused to refer the above reference to the Tribunal under Section 10(1)(d) of the Industrial Disputes Act. Thereafter workmen filed writ petition before the Hon'ble High Court, Ranchi Bench and vide order dated 26-4-89 in CWJC No. 365/89 the Central Government was directed to pass fresh order in the said dispute and thereafter re-considering the matter this reference has been made in this Tribunal.

6. It is also said that when this matter was under consideration before the Hon'ble High Court in CWJC No. 365/89 another petition was pending before the Hon'ble Supreme Court in Civil Case No. 417/89 filed by Bihar Pradesh Colliery Mazdoor Congress and another Vs. Union of India and M/s. E.C. Ltd. in which the workmen of Durga Boka Pahari Colliery appeared for their reinstatement in service and after hearing the petition it was ordered by the Hon'ble Supreme Court :-

"After hearing the learned Counsel for both the parties, we direct that if the respondents start the colliery, they will recruit the petitioners to the extent of their requirement. The Writ petition is disposed of accordingly. There will be no order as to costs."

This order was dated 24-7-89, photo copy of the order has been filed with this written statement. It is said that the concerned workmen are included in the dispute by their Lordships of the Supreme Court and the aforesaid order was passed by the Apex Court before the management could file any contra affidavit. Thereafter review petition was filed by the management before the Apex Court but these were rejected by order dated 24-7-89 and the aforesaid order dated 24-7-89 of the Supreme Court stands. It is said that in view of the aforesaid order of the Hon'ble Supreme Court the present reference is barred by res-judicata estoppel etc. It is said that other points will be replied by the management later on. But presently validity and maintaina-

bility of the present reference be considered as preliminary point.

7. I further find that this written statement was filed before this Tribunal on 20-8-90 and the copy given to the other side on 28-8-90. From the order-sheet of the record dated 10-2-92 it appears that this preliminary point was disposed of by the then Presiding Officer and it was held that the issue raised by the management about maintainability will remain open and will be considered alongwith the merit of the case and the management was directed to file full fledged written statement.

8. Another written statement has been filed by the management on 10-7-92 stating, inter-alia, that Badjna Colliery was earlier owned and managed by M/s. Oriental Coal Company Pvt. Ltd. which was taken over by the Central Government with effect from 31-1-1973 and nationalised with effect from 1-5-1973 as per Coal Mines (Nationalisation) Act, 1973 and none of the concerned workman was ever employed in any mine of the Badjna Colliery. It is also said that the workmen on the roll of Badjna Colliery prior nationalisation and taken over by the management as per Section 14 of the Coal Mines (Nationalisation) Act, but the concerned workmen were not working in the mine of Badjna Colliery and so they were not taken into employment by the management of the said colliery and it is said that Basudeo Bhuia and 682 others claimed that they were workmen of Durga Boka Pahari Colliery previously worked under R. K. Agarwal who claimed ownership. But the said owner could not produce any document of lease for mining given by the State Government, and for that Title Suit No. 5/74 was filed before the Sub-Judge 2nd Court, Dhanbad and temporarily injunction was allowed. But suit itself was dismissed vide order dated 23rd February, 1989 by the Sub-Judge 2nd Dhanbad. Thereafter appeal was filed which was also dismissed on 23rd December, 1989 and thereafter Sri R. K. Agarwal filed appeal to the Hon'ble High Court which is said to be pending. It is said that in view of the Civil litigation the said Durga Boka Pahari Colliery was not taken over by the management of M/s. E. C. Ltd. and thereafter it was closed and abandoned for more than 15 years and there was no scope of re-opening the same due to water.

9. It is further said that from visual inspection of the colliery it appeared that there were two open cast mine one of the size 50 ft. X 50ft. and another of the size ft. X 500 ft. without having any electrical installation, pump and haulage, approach road etc. and it appears that mine was being worked by some diesel pump engaged by manual workers and the mine could only engage 50 workers in a shift and there was no scope for working the mine for more than one shift and it is absurd to imagine that 683 persons could be employed at any time and the attempt of the union to induct as many as strangers as may be possible in the employment of M/s. E.C.L. It is also said that private owner did not produce Form 'B' register before Civil Court in T.S. 5/74 to show the actual name of the workers working there and it is not practicable to verify the same. It is also said the workmen who were working in coal mines were provided with Bonus Card to enable them to draw bonus from the colliery. But none of the workmen were provided Bonus Card to show that actually they worked in Boka Pahari Colliery during pendency of the T.S. No. 5/74. It is further said that the union alleged that the mine was closed in 1979 and the workmen were thrown out of employment and it is just possible that the private employer who engaged the workmen had terminated their services. It is further said that Coal Mines Nationalisation (Amendment) Act, 1986 was passed by the Parliament and Section 14 of the Coal Mines Nationalisation Act, 1973 was repealed and the aforesaid amendment became enforceable from 15th December, 1986 after receiving assent of the President of India and it is further said that after this amendment the workmen of erstwhile employer have no right to claim employment under the management of M/s. E.C. Ltd. and similarly the concerned workmen are not entitled for demanding any such employment. It is also said that the concerned workmen have claimed that they had worked in the year 1973 and so by this time they have crossed 40 years of age and they would be unfit for work. It is also said that in Padjna Colliery there was no open cast mine at the relevant time and the workmen could not have engaged there due to lack of experience and they are not entitled to be claimed for employment with M/s. E.C. Ltd. and award be passed accordingly.

10. I further find a rejoinder filed by the management to the written statement of the workmen denying the plea of the workmen specifically and the same is said to be incorrect and denied or not fully correct. It is finally said that it may be held by this Tribunal that the concerned workmen are not entitled for any relief.

11. I further find a rejoinder has been filed by the workmen to the written statement of the management denying the allegations made therein parawise and specifically and the same is said to be not true or correct and denied. It is finally said that the workmen are fit to work and they are entitled for relief as claimed and for reinstatement from 1979 with full back wages.

12. On the basis of pleadings of the parties I will find the point to be decided are—

- (a) Whether the action of the management in denying employment to the workmen of the Annexure is justified or not?
- (b) If not, what relief or reliefs the workmen are entitled?

13. Both the points are inter-linked, as such are taken together for their consideration.

14. I further find some documents have been filed on behalf of the parties which are Ext. M-1 photo copy of T.S. No. 5/74, Ext. M-2 photo copy of judgement dated 23rd December, 1989 in Title Appeal No. 13/89, Ext. M-3 photo copy of application dated 5th March, 1973, Ext. M-4 photo copy of judgement dated 8th July, 1975, Ext. M-5 photo copy of order of injunction dated 2nd March, 1974 and Ext. M-6 Plan of the colliery.

14. Similarly the workmen have filed Ext. M-1 photo copy of C.W.J.C. No. 365/89(R) dt. 26-4-89 by which the Central Government was directed to consider the reference and pass appropriate order. Ext. W-2 photo copy of T. S. No. 5/74, Ext. W-3 review petition No. 584/89 before Supreme Court and Ext. W-4 Judgement of Supreme Court dated 11-4-80 bunch of writ petitions of the year 1980 and it was held by their Lordship that there was no violation of Art. 14 of the Constitution and it was also held that the workers writ petition was kind of litigation puppetry, the illicit mine exploiters being the puppetors. I find this document is of no help to the workmen and union in any way.

15. I also find that the workmen have examined altogether three witnesses, WW-1 Sambhu Mahato, WW-2 Ram Bilash Mahato and WW-3 Bhargunath Pandey who are workmen out of the list annexed with this reference and they have tried to support their case that they were working in Durga Bokapahari Colliery from 1974 to 1979 on different capacities and even after nationalisation they worked upto 1979 but in the year 1979 the Circle Officer with police came there and started apprehending them at which they fled away. Thereafter the colliery was closed and they went to the contractor who assured them to look into the matter. They have also said that the colliery was working in two shifts at that time and more than 300 workmen worked in one shift. In the year 1980 they submitted written application but nothing was done. They got their attendance marked by the Munshies. They used to sign in the register in token of payment of their wages. It is also said that in the year 1979 when the officials came to the colliery they instituted case against the workmen and those papers would be available in the office of the management. It has been denied that the story about officials coming there and apprehending the workmen was a figment of their imagination and that the official of M/s. E. C. Ltd. had not interfered with the work of the contractor.

16. Similarly I find that the management has also examined three witnesses—MW-1 Kedar Nath Jha, who was working in Badjna colliery since 1980, MW-2 Rajendra Singh, who was working in the colliery from 1954 to 1992 on different posts and superannuated on 16-7-92 and MW-3 Jaswant Singh Gill who worked as General Manager at Lodna Area and in between August, 1967 to August, 1977. He was posted at Badjna colliery as Assistant Manager and later as Manager. He has said that there was one surface pocket inside Badjna colliery area which was known as

Durga Bokapahari colliery which worked seasonally even after nationalisation and it remained closed from June to October and one Mr. Anukul Banerjee, Permit Manager was working in the colliery. He has further stated that the area of Durga Bokapahari colliery was about 70' X 50' but he could not say that there were two such pockets the area of one being 50' X 50' and other 500' X 50'. But has stated clearly whatever the size be only 40 to 50 persons were working there and prior to nationalisation they were working under Oriental Coal Company. He could say that there was litigation between Oriental Coal Co. and R. K. Agarwala Coal Co. relating to Durga Bokapahari colliery. He has also stated that M/s. E.C. Ltd. had not taken over the said Durga Bokapahari colliery. He has further admitted that M/s. E.C. Ltd. was claiming area of the colliery as in the notification of take over the name of Durga Bokapahari colliery was not mentioned, so the management had made attempt to stop mining in the colliery as it was illegal. He has also said that during his tenure there was no electrical installation in D.B.P. colliery. He has also said that the Permit Manager system was there prior to nationalisation and he could be appointed by the management of the colliery, but certificate to work was given by the Chief Inspector of Mines.

17. Similarly, MW-1 has stated that in between Durga Bokapahari colliery and Badjna colliery there was a river called Pusai and there were two quarries in the aforesaid D.B.P. colliery, the size of one quarry is about 500' X 50' and the other is 50' X 50' and it was operated seasonally, and it was required 40 to 50 workmen to run the colliery. He has further stated that he did not know that any case was pending about this colliery and he knew the process of de-watering and if somehow water accumulates in a colliery, it can be de-watered and the colliery can be made functional again. He could not say as to whether or not the management has mentioned in its written statement that the two collieries were amalgamated.

18. MW-2 has also stated that there was a barrier in between the incline of Badjna colliery and the quarries of Bokapahari colliery and in every rainy season the quarries were sub-merged with the water of nearby river and when the said Bokapahari colliery was in full fledged operation, 40 to 50 workmen could be employed and it used to run seasonally and the water was taken out with the help of diesel pumps. He has since superannuated and for the evidence he was called by the management to depose in this case. However, he denied that for some reason he has stated wrong facts on behalf of the management.

19. While arguing the case it has been submitted on behalf of the workman and sponsoring union that Badjna colliery and Durga Bokapahari colliery have been merged after nationalisation and it is admitted by MW-3 witness of the management that there was one surface pocket inside Badjna colliery area which was called Durga Bokapahari colliery and about 40 to 50 workmen could work there in a shift. Similarly, MW-2 has also admitted that there was a barrier in between the incline of Badjna colliery and the quarries of Bokapahari colliery and said colliery was being worked seasonally and it was covered by water and work stopped from June to October and accumulated water was taken out with the help of diesel pump and then the colliery was made operational. It is also stated that WW-3 has stated that Durga Bokapahari colliery was working in two shifts and they have worked in the said colliery upto 1979 and that the legal officials alongwith officials of M/s. E.C. Ltd. with police came there and began started to apprehend them from the colliery and they fled away and the colliery was stopped. Thereafter they made representations but they were not taken into service and in the year 1989 they had filed writ petition before the Hon'ble Supreme Court No. 417/89. Vide order dated 24-7-89 their Lordships have directed the management of the colliery to recruit the petitioners to the extent of their requirement and the writ petition was disposed of. Consequent upon issuance of the aforesaid direction by the Hon'ble Apex Court, a letter was written by the management of E.C. Ltd. Director (Personnel) dated 30-3-90 to Sri K. D. Chatterjee, President, Bihar Pradesh Colliery Mazdoor Congress asking him to submit namewise list of workmen of Durga Bokapahari duly signed by him for examination by the management in view

of the direction given by the Hon'ble Supreme Court, photo copy of this letter has been attached by the workmen with their rejoinder filed in this case. Even then nothing concrete was done by the management so as to regularise the services of the workmen. It was also submitted that in view of the evidence of MWs and WWs as noted above it is clear that Durga Bokapahari colliery was being worked as part of Badjna colliery, as admitted by MW-3, was an open cast quarry and it was being worked in two shifts and admittedly as stated by MWs that 40 to 50 workmen were working there in the colliery.

20. It is further submitted that main plea taken by the management in this reference is that Durga Bokapahari colliery was never part and parcel of Badjna colliery, as such the workmen were not entitled for service under Badjna colliery of M/s. E.C.L. and the further plea is that the dispute has been raised belatedly, i.e., after ten years and as per refusal of the A.L.C. this can't be allowed due to such delay and further plea that Durga Bokapahari colliery was closed in the year 1979 and still it is closed and after closing of the colliery no industrial dispute can be raised at all and accordingly this reference itself is not maintainable. It has also been pleaded that Durga Bokapahari colliery was individual entry from Badjna colliery and ownership was claimed by R. K. Agarwal for which T/S. No. 5/74 was filed and injunction was also granted in this case which was finally dismissed and appeal also was dismissed and no possession of the colliery was taken by Coal Mines Authority or subsequently by M/s. E.C. Ltd. after nationalisation and being the workers of the contractor they could not claim any employment with the management of Badjna colliery of M/s. E. C. Ltd.

21. However, it is submitted on behalf of the workmen and the sponsoring union that there is no merit at all in this plea taken by the management. As per Coal Mines ordinance Act, 1973 all the collieries came under the control and possession of the Central Government i.e. Coal Mines Authority and as per Coal Mines (Nationalisation) Act, 1973 w.e.f. 1-5-73 and it has been held by the Hon'ble Supreme Court as reported in AIR 1986 page 2123 that all the collieries existed after the Nationalisation Act automatically merged with the Central Government and in view of admission of MW-3 witness of the management Durga Bokapahari colliery is surface pocket of Badjna colliery and it was also pleaded by the management of M/s. E.C. Ltd. in the Title Appeal No. 13/89 arising out of T.S. No. 5/74 where specific plea was taken in para 13 by the management that Durga Bokapahari Colliery was part of Badjna Colliery belonging to Oriental Coal Co. Ltd. and Badjna colliery vested in the Central Government after nationalisation. Naturally Durga Bokapahari colliery was vested at Badjna colliery. It is further submitted that so far plea of delay taken in raising dispute is concerned it is pointed out that there was no delay at all. After illegal stoppage of work of the workmen by the local officials and the officials of M/s. E.C. Ltd. in the year 1979 several representations were given by the workmen to different authorities and ultimately a Civil Writ Petition before Hon'ble Supreme Court being No. 417/89 was filed where specific direction was given by the Apex Court to the Respondent including Union of India and others that after reopening of the colliery the petitioners will be recruited to the extent of their requirement and even then no action was

taken by the management of M/s. E. C. Ltd. of Badjna colliery then the dispute was raised before A.L.C. and it was referred to the Ministry for making reference and on its refusal CWJC. 365/89 was filed before Hon'ble High Court, Ranchi Bench and direction was given to the Central Government for reconsidering the matter and thereafter this reference has been made by the Ministry. In view of long drawn legal battle fought by the workmen, it is submitted that there is no delay at all in raising the dispute and the plea taken by the management that due to delay caused and remedy both have been defeated have no leg to stand-by.

22. So far plea of closure of the colliery in the year 1979 and thereafter raising the dispute has got no merit is concerned it is submitted that Durga Bokapahari colliery is a part of Badjna colliery and after a portion of the colliery was closed in the year 1979 by the officials of the management and the local Administration official it did not mean that entire Badjna colliery was closed and as such no industrial dispute could have been raised by the workmen. It is said that Badjna colliery is still functioning and likewise other collieries of M/s. S.E.C. Ltd are also functioning and the workmen working in Durga Bokapahari colliery till 1979 when they were stopped work without giving statutory benefit they are entitled to reinstatement from the date of their stoppage of work from 1979 with full back wages.

23. It is also pointed out that admittedly this Tribunal cannot go beyond the reference and can't look into the matter of the claim and counter-claim of ownership of Durga Bokapahari colliery by the erstwhile private company and as per specific reference made to this Tribunal the question to be decided is whether the action of the management Badjna colliery of M/s. E.C. Ltd. in denying employment to Basudeo Bhuia and 682 others as per Annexure is justified or not. In this view of the matter it is submitted that it is well considered opinion of the Ministry that after nationalisation of the coal mines in the year 1973 the said Durga Bokapahari colliery was part and parcel of Badjna colliery where the workmen worked till 1979 and all of a sudden they were stopped from work by the management of Badjna colliery and this action of the management of Badjna colliery is to be looked into in this reference. It is also submitted that from the very reference it is clear that it has been taken into account that said Durga Bokapahari colliery and Badjna colliery are part and parcel of single entity and as per evidence of MW-3 also the workmen worked there till 1979 i.e. after six years of nationalisation of the coal mines. As such, plea taken by the management that they were contractor's workers and cannot claim employment with the management of Badjna colliery of M/s. E. C. Ltd. in view of the Coal Mines Nationalisation Amendment Act, 1986 is an erroneous proposition and has been taken with mala fide intention just to harass the workmen and to deprive them from their livelihood. Accordingly it is submitted that the workmen are entitled to get to be reinstated in service by the management of Badjna colliery and admittedly they were working there and if it is taken into consideration the specific evidence of MW-3 and other MWs that only 40 to 50 work-

men were working there in Durga Bokapahari colliery which was working as seasonal colliery and stopped during June to October and considering the evidence of MWs that working was going in two shifts in said Durga Bokapahari colliery as per WW-3, it means that admitted position in the case as per evidence on record is that for working in two shifts atleast 100 workmen were required even as per evidence of MWs when the work of the workmen were stopped illegally and forcibly, although the claim of the sponsoring union exists about employment of all the workmen as per Annexure of the reference. But in any case atleast more than 100 workmen were required for work for running of the colliery according to evidence of MWs given in this reference.

24. On the other hand, it has been submitted on behalf of the management that Durga Pokapahari colliery was never part and parcel of Badjna colliery and it was not taken over possession by M/S. E.C. Ltd. management and as per evidence of MWs they were contractor's workmen and payment was made to them by the contractor and the colliery was closed in the year 1979 so after closing of the colliery no industrial dispute could have been raised at all and this reference is not maintainable. However, as discussed above the point has been decided earlier vide order dated 10-2-92 and the plea of raising the dispute after long period of ten years has also taken and it is said that due to such long delay in raising the dispute it was not maintainable and the said colliery being closed no industrial dispute could have been raised and the workmen being that of contractor's workmen they cannot claim employment with the management that too after amendment of Coal Mines (Nationalisation) Act, 1986. It is also stated that as per evidence on record Durga Bokapahari colliery was small open cast being size of 50' X 50' and 500' X 50' and not more than 40 to 50 workers could be engaged, so there was no question of employment 682 workmen as claimed by them. It was also stated that there was surplus workmen in the colliery and after Coal Mines (Nationalisation Amendment) Act, 1986 no workman of private employer can employment after 15-12-86 in public sector undertakings.

25. But I find that replies of these points have been given on behalf of the workmen and the sponsoring union as discussed above and admittedly the workmen had worked in Durga Bokapahari colliery which was part of Badjna colliery till 1979 when it was stopped, so they cannot said to be workmen of private employer or that of a contractor and certainly they were working under the management of nationalised colliery and they were stopped from work all on a sudden without any notice and without complying with the legal provision as per I. D. Act, 1947. It is further submitted that this Industrial Disputes Act is welfare legislation enacted for the welfare of the workers and the workmen in this reference belong to poor state of society mostly Schedule Caste and Schedule Tribes and they were thrown out of employment by the management without any rhyme and reason and even after specific direction of the Hon'ble Supreme Court as given in Writ Petition (Civil) No. 417/89 dated 24-7-89, nothing was done by the management to reinstate them in the service under the management.

It is also pointed out that although letter was written by the Director (Personnel) of M/S. E.C. Ltd. to the President, Bihar Pradesh Colliery Mazdoor Congress dated 30-3-90, photo copy attached with the written statement of the management, even then the management was sitting tight on the matter and the workmen were made to run from pillar to post.

26. It is further submitted that due to long lapse of time certainly some of the workmen have left and went elsewhere and they have claimed employment for 507 workers in the written argument and that number can still be reduced considering the plea of the management that most of the workmen would have crossed 40 to 45 years of age and not able-body for hard work in the coal mines and it is submitted that in view of the direction of the Hon'ble Supreme Court also "the workmen as much as could be reinstated as per requirement of the management for the said colliery."

27. In view of the evidence on record it is clear that even the evidence of the management's witness is relied upon them only 40 to 50 workers were working in the said Durga Pokapahari Colliery in the year 1979 and the colliery was running in two shifts naturally atleast 100 workers would have been working there and some workmen would be required to do miscellaneous job. The sponsoring union has asked work of 507 workmen in the written argument. It is true that 683 or 507 workmen could not be engaged in a small open cast mine, like said Durga Bokapahari Colliery which is a part of Badjna Colliery. Considering all these facts this Tribunal is of the opinion that atleast 105 to 110 eligible and able-bodied workmen should be taken into employment under the management of Badjna Colliery for running Durga Pokapahari Colliery immediately after providing necessary infrastructure there.

28. It is, therefore, held that the action of the management of Badjna colliery in not giving employment the workmen cannot be said to be justified and the workmen to the extent of number as given above are entitled for their employment on the identification by the President/Secretary of the sponsoring union.

29. Hence the following award—

The action of the management of Badjna Colliery of M/s. E.C. Ltd., in denying employment to Basudeo Bhuia and 682 others as per Annexure is not justified. The above management is further directed to employ atleast 105 to 110 workmen from the date of their stoppage from work in the year 1979 within two months from the date of publication of the award on their identification by the President/Secretary of the sponsoring Union. But they will not be entitled for their back wages on the principle of no work no pay.

In the circumstances of the case, there will be no order as to cost.

TARKESHWAR PRASAD, Presiding Officer
नई दिल्ली, 5 फरवरी, 1997

का० आ० 559.—औद्योगिक विवाद अधिनियम, 1947
(1947 का 14) को धारा 17 के अन्वय में, केन्द्रीय
सरकार भारतीय जीवन बीमा निगम के प्रबंधन के संबंध

नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4 फरवरी, 1997 को प्राप्त हुआ था।

[संख्या एन-17012/10/82-डी IV ए/आई.आर.]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 5th February, 1997

S.O. 559.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Life Insurance Corporation of India and their workman, which was received by the Central Government on 4-2-97.

[No. L-17012/10/82-D.IVA/IR]

BRAJ MOHAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 3 of 1990

PARTIES :

Employers in relation to the management of Life Insurance Corporation of India, Guwahati

AND

Their Workman

PRESENT :

Mr. Justice K. C. Jagadeb Roy, Presiding Officer

APPEARANCE :

On behalf of Management—Mr. A. B. Roy, Advocate with Mr. K. L. Deorah, Advocate

On behalf of Workman—Mr. P. Borgohain, Advocate

STATE : Assam INDUSTRY : Insurance

AWARD

By Order No. L-17012/10/82-D.IV.A/IR. Bank-I, dated 12 February 1990 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Life Insurance Corporation of India in

dismissing Shri Naresh Konwar, Sub-staff, from services w.e.f. 25-1-1977 is justified ? If not, to what relief the workman concerned is entitled ?”

2. Both the workman and the management namely, Life Insurance Corporation of India have filed their written statements, following by a rejoinder of the workman.

3. The workman has been dismissed when the disciplinary proceeding initiated against him had terminated against him and the management was satisfied to dismiss him from service with effect from 25-1-1977.

4. The charge sheet is dated 25-2-1976 and is marked Ext. W-1, wherein the workman was charged as follows :

- “1. You are a party to the wrong loan transaction for a sum of Rs. 688.00 paid by cheque No. 283271, dated 21-7-75 under policy No. 35113645 on the life of Sri Lahit Chandra Hira. The amount was paid on your identification of the forged signature of the real policy holder.
2. You arranged the encashment of the said cheque through Bank of Baroda, Gawahati, in association with one official of the Reserve Bank of India, Gawahati. Thus you are directly and/or indirectly involved for your unlawful interest in the said transaction for defrauding Life Insurance Corporation of India.
3. You did not return the documentary papers which were handed over to you by Sri Lahit Chandra Hira of Happy Villa, Uzanbazar, Gawahati in connection with surrender value of his policy No. 35113645 instead you acted in a manner which resulted wrong transaction under policy number 35113645.
4. By your identification, you involved yourself as a party in the wrong loan payment of Rs. 898.00 to the Life Assured Sri Sarat Chandra Borthakur under policy No. 35416318 by cheque No. 284099, dated 23-9-75. You fraudulently arranged encashment of the said cheque in a cash of conspiracy by opening S/B. a/c. No. 10/1861 with Bank of Baroda in favour of Sri Sarat Chandra Borthakur in association with one official of the Reserve Bank of India, Gawahati.
5. In a loan transaction for Rs. 500.00 on 3-10-74 under policy No. 35208208 on the life of Sri Kamakhya Prasad Sarmah,

you with fraudulent intention identified a wrong person to facilitate the drawal of the aforesaid sum of Rs. 500.00 by the said wrong person on 3-10-74 less Rs. 88.70 towards interest on loan under the said policy.

6. You are a party to the conspiracy to defraud LIC to the extent of Rs. 72.40 (net) paid in cash on 8-8-75 to a wrong person viz. Sri Kamakhya Prasad Sarmah, towards loan under policy No. 35208208 on the life of Sri Kamakhya Prasad Sarmah. You identified the aforesaid wrong person Kamakhya Prasad Sarmah to facilitate the payment for your wrong interest in the transaction.
7. In a chain of conspiracy you misled the Divisional Office of the Life Insurance Corporation of India by removing and by falsifying the official records so far detected. Thus you involved yourself as a party in the wrongful transaction by identifying the forged signature of the policy holder under policy No. 35113645, 35208208 and 35119094.
8. You induced Syed Majmil Ali to wrongly receive a sum of Rs. 220.00 on 20-9-75 towards loan from LIC under policy No. 35119094 and directly helped cheating the Life Insurance Corporation of India in this wrongful transaction.
9. In violation of SR No. 34(2) you placed yourself in pecuniary obligation borrowing money from outside person without obtaining previous sanction of the competent authority.
10. By knowingly indulging in the cheating of the aforesaid acts of in a chain of conspiracy to common fraud and by abusing your duty as class IV staff in the PHS Deptt. of LIC at Divisional Office, Gauhati you have acted in a manner prejudicial to good conduct detrimental to the interest of the Corporation and thereby you have violated provisions of Regulation 21, 24 and 39 of the Life Insurance Corporation of India (Staff) Regulations, 1960 for which any one or more of the penalties specified under Regulation 39(1) of the aforesaid Staff Regulation, 1960 can be imposed upon you."

5. On receipt of the charge, the workman gave a reply dated 15-3-1976 denying the charges. By Order dated 19-4-1976 the disciplinary authority appointed Shri T. Jagannath as the Enquiry Officer and subsequently by Order dated 26-7-1976

appointed Shri P. K. Saha, A.A.O., as the Presenting Officer as well while appointing Shri D. N. Lora to assist the Presenting Officer. On 7-7-1976 Shri N. Konwar the delinquent workman wrote a letter to Shri T. Jagannath marked Ext. M-2 intimating the Enquiry Officer that he would not introduce any documentary evidence or examine witness/witnesses in support of his defence. The enquiry commenced on 28-7-1976 and continued regularly while at times allowing a gap of 2/3 days between two sittings and was concluded on 31-8-1976.

6. The workman who had examined himself as his sole witness in this Tribunal has stated in his evidence that he replied to the charge and denied all the charges. He appeared before the Enquiry Officer and examined four of his witnesses while the management examined 4 witnesses on their side in support of the charges and he had cross-examined the witnesses of the management. He though wanted to put some questions to the management witnesses in cross-examination, he was not allowed by the Enquiry Officer but he made no allegation to the Enquiry Officer or any higher authority alleging the same. His only grievance was that he was dismissed from service. According to him the Presenting Officer for the management did not put any question to him and all the questions were put to him by the Enquiry Officer but neither himself nor his representative Mr. Ojha made their grievance before the Enquiry Officer or any higher authority alleging that the Enquiry Officer was conducting the enquiry improperly. His only ground to challenge the enquiry was that the management removed him from service though he worked for so long and the allegations were not justified and had no basis. In the cross-examination he however differed from what he had stated in chief. He admitted that the enquiry started on 28-7-1976 at 10.30 A.M. and was conducted in the Divisional Office, Gauhati of the LIC. He was quite aware that the date of enquiry was fixed to 28-7-1976 and was quite aware of the charges that were brought against him. But did not produce any document or evidence in support of his defence and informed the Enquiry Officer that he had no document or evidence in support of his case. He admitted Ext. M-2 the letter written by him to the Enquiry Officer wherein he stated that he had no witness or document to produce in the case. On his request, Mr. Ojha was appointed to assist him in the enquiry. He admitted in the cross-examination to have cross-examined the witnesses produced by the management in the enquiry and while he was cross-examining the witnesses of the management, Shri Ojha who was appointed to assist him, was also present with him.

7. In such view of the matter, I do not find that there is any infraction of the principle of natural justice in the conduct of the enquiry. It is more

so, because neither the workman nor his representative raised such objection either before the Enquiry Officer or before this Tribunal when the matter is being heard before the Tribunal. Shri Ojha was not examined as witness and the only person was examined is the workman himself and he has categorically stated that he has not raised any objection challenging the functioning of the enquiry in not allowing him the due opportunity to present his case. Accordingly, I hold that the enquiry was in accordance with the principle of natural justice and was fair.

8. The only question therefore is whether the allegation of misconduct alleged in the charge-sheet against the workman had been proved. The allegation against the workman are serious in nature touching the integrity and honesty as an employee of the LIC. He was a sub-staff of LIC at Divisional Office at Gauhati and on the date of the charge as per Ext. W-1, was attached to Dimapur Sub-Office of LIC.

9. The law is well-settled that even though the workman may choose not to lead any evidence either by examining his witness or by production of any document in support of his defence, it is for the management who bring the charges against the workman is to show that there are bonafides in bringing the charge and in the enquiry the management should substantiate the charges in order to sustain the punishment. In other words the finding of guilt is not to be perverse.

10. In the Enquiry Officer's report which is produced before the Tribunal by Suprakash Das Chowdhury, Assistant Administrative Officer of the LIC who was posted at Gauhati Divisional Office. He is examined as MW-1, on whose production the file containing the entire disciplinary proceeding had been marked as Ext. M-1. Another part of the proceeding dated 31st August 1976 has also been brought into the record as Ext. M-1/a.

I find from the proceeding of the enquiry conducted pursuant to the Regulation 39 of the LIC Staff Regulation 1960 wherein the Enquiry Officer had put to the delinquent certain questions which is required to be put in the enquiry for example. he asked his name and asked him if he had any documentary evidence in support of his defence or if the workman wanted to produce any witness to which the workman had answered that he had already written a letter stating that he had no witness to be produced in his defence, nor any documentary evidence in support of his case. The Presenting Officer was very much present to present the case of the management and had put questions to the workman. On 28-7-1976 the Presenting Officer produced several papers for examination of the workman and started questioning on them which have a relevancy on the charge.

The persons in respect of whom the cheating was done by the concerned workman were also produced before the Enquiry Officer and were examined in support of the charge brought by the management against the workman. There was a complete enquiry. The finding which was given by the Enquiry Officer therefore cannot be assailed as based on no evidence.

11. In the enquiry report, the Enquiry Officer had taken up the charges separately or in small batches and dealt with them keeping in view the statements made by the management witnesses in support of the charge and ultimately held that the charges No. 1, 2, 3, 4, 5, 6 as well as the first part of charge No. 7 had been proved, though the second part of the charge No. 7 could not so proved. It may be stated here that the charge No. 7 constituted of two parts. The first part relates to the fact that in a chain of conspiracy the workman misled the Divisional Office of LIC by removing and by falsifying official records so far detected and the second part constituted of the fact that he involved himself in the wrongful transaction by identifying the forged signature of the policy holders under Policy No. 35113645, 35208208 and 35119094. Besides, the Enquiry Officer while found that charge No. 8 was not proved, found the charge No. 9 and 10 to have been established.

12. The enquiry report has been gone through by me. The Enquiry Officer has spared no efforts in discussing all the statements made before him and the documents filed before him and he had given good reasons for each of the charges while giving his findings on them. Accordingly, the management had not made any error in procedure or violated any principle of law in considering the report and imposing the punishment. The punishment therefore had a basis and I do not consider this punishment as disproportionate considering the seriousness of the charge. The management had issued the final order dismissing the workman from his service by order dated 25-1-1977 which was issued under the signature of the Divisional Manager, who is the disciplinary authority.

13. I accordingly hold that the management was justified in dismissing the concerned workman Shri Naresh Konwar and the workman is entitled to no relief in the case.

The reference is answered accordingly.
Dated,

Catcut'a, the 16th January, 1977

K. C. JAGADEB ROY, Presiding Officer

नई दिल्ली, 5 फरवरी, 1997

का० आ० 560.--औद्योगिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के अन्तर्गत में, केन्द्रीय
सरकार की० पी० सी० एल० रिफाईनरी माहूत के प्रबंधन

के संबंध विवादों और उनके कर्मचारों के बीच, अंतर्बन्ध में निर्दिष्ट आर्थोमिक विवाद में, केन्द्रीय सरकार आर्थोमिक आधिकारण, (सी० 2), मुम्बई के पंचवट को प्रकाशित करता है, जो केन्द्रीय सरकार को 5 फरवरी, 1997 को प्राप्त हुआ था।

[सं० एन०-20040/68/94-आई० आर० (सी-1)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 5th February, 1997

S.O. 560.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 2) Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of B.P.C.L. Refinery, Mahul and their workmen, which was received by the Central Government on 5-2-1997.

[No. I-20040/68/94-IR(C-I)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO.2, MUMBAI
PRESENT :

Shri S. B. Panse, Presiding Officer

Reference No. CGIT-2/20 of 1995

Employers in relation to the Management of
Bharat Petroleum Corporation Ltd.,
(Refinery, Mahul).

AND

Their Workmen

APPEARANCE :

For the Management—Mr. R. S. Pai, Advocate.

For the Workmen—Mr. J. G. Gadkari, Advocate.

Mumbai, Dated 16th January, 1997

AWARD—PART-I

The Government of India, Ministry of Labour, by its letter dated 10-10-95 had referred to the following Industrial Dispute for adjudication :

“Whether the action of the management of Bharat Petroleum Corporation Ltd., (Refinery Mahul), Bombay in dismissal from service of Shri K. G. Pardeshi is justified ? If not, what relief is the workman concerned is entitled to ?”

2. K. G. Pardeshi the workman through the General Secretary of his union pleaded that he was employed in the Corporation from 2-5-79.

On 29-8-88 he was working as General Operative (Filler) at Weigh Bridge in Trombay Despatch Unit (TDU). It is averred that due to certain act of dishonesty in connection with Corporation property is being alleged against the workman and he was suspended on 1-9-88. Later on he was issued with a chargesheet dated 28-9-88.

3. It is averred by the union that he had no dispute over the inquiry proceedings and he will admit the same when filed in the court. It is pleaded that so far as the dismissal of the said workman is concerned it is unjustified. There was no evidence on the record to prove that the charges against the workman. It is averred that the driver who gave the concession retracted the same. It is pleaded that there was no actual loss or possible loss which could have been caused to the Corporation. It is submitted that the workman was victimised because he had a quarrel with one Shri Pandian the officer (TDU) section who unnecessarily interfered in the matter of incident though was not connected with the chargesheeted workman on the said day and forced the driver to confess the things. It is asserted that the findings of the inquiry officer are perverse and not proper and justified. For all these reasons it is submitted that the action of the Corporation is not justified and the Corporation may be directed to reinstate the workman with full back wages from the date of suspension.

4. The Corporation resisted the claim by the written statement (Exhibit-4). It is averred that the domestic inquiry which was held against the workman was as per the Principles of Natural Justice. The inquiry officer after considering the evidence before him gave reasoned findings contending that the charges which were levelled against the workman were proved. The disciplinary authority considered the inquiry proceedings and the report of the inquiry officer and passed an order which is just and proper. It is denied that Pandian had a bias against the workman and that the findings of the inquiry officer are perverse. It is pleaded that under such circumstances the workman is not entitled to any of the reliefs.

5. I have framed issues at Exhibit-6. Issues No. 1 and 1A are to be treated as preliminary issues. The issues and my findings there on are as follows :

ISSUES	FINDINGS
1. Whether the findings of the Inquiry Officer are perverse ?	Yes.
1A. Whether the findings of the Inquiry Officer are not on the basis of the evidence before him ?	Yes.

REASONS

6. At the outset it must be mentioned that in the statement of claim the workman admitted the position that the domestic inquiry which was held against him was as per the Principles of Natural Justice. It can be further seen that from the purshis Exhibit-12 which was filed by both the parties they do not dispute so far as the inquiry proceedings are concerned. In other words the union accepts that the domestic inquiry which was held against the workman was as per the Principles of Natural Justice.

7. Now it is to be seen whether the findings of the inquiry officer are perverse, or that they are not based on the evidence before him. To substantiate that contention the workman Pardeshi examined himself at Exhibit-8 and relied upon the evidence recorded before the inquiry officer and which is produced at Exhibit-5. As against him the Corporation examined Pandian (Exhibit-10) one of the witnesses in the inquiry proceedings and also relied upon the documents which are filed along with Exhibit-5.

8. It is not in dispute that on 29-8-88 Pardeshi was on duty in the second shift at Weigh Bridge in TDU. He joined the duties at about 15.00 hours. A tanker truck has bearing No. MKU-4993 reported for filling Benzene. The driver of the truck was one Ajmer Singh. D.B. Kambli was the Operation officer then. Pandan was another operation officer but not on that spot.

9. On 1-9-88 a suspension order (Exhibit-5/1) was issued to the workman for alleged misconduct. Later on that is on 28-9-88 a chargesheet was issued to the workman. The sum and substance of the charge sheet is that on 29-8-88 the worker made adjustment in the tare weight after taking a bribe of Rs.100/- from the driver of the truck bearing No. MKU-4993. Thereby he committed dishonesty in connection with the company's business or property within the premises of the establishment, taking bribe or any illegal gratification and commission of any act subversive of good behaviour or discipline of the establishment.

10. The Corporation appointed Mr. P.K. Patel as the inquiry officer. His appointment letter is at Exhibit-5/pg.4. It also appointed the management representative (Ex-5/pg. 5). The inquiry officer conducted the inquiry and the inquiry proceedings are at Exhibit-5/pgs 6, to 139. His report is at Exhibit-5/pgs. 140 to 153. The inquiry officer after considering the evidence before him came to the conclusion that the charges are proved.

11. Mr. Gadkhari the Learned Advocate for the workman vehemently argued that the findings of the enquiry officer are not based on the evidence. It is a case of perversity. On the other hand Mr. Pai, the Learned Advocate for the corporation submitted that the reasons given by the inquiry officer are logical and findings are correct. The management had examined D.B. Kambli, Operation Officer (MW-1), Ajmer Singh, Driver (MW2) and Pandian Operation Officer (MW3). They relied upon the documents such as statement given by Arjun Singh, Pandian, Kambli, filling advice and weighment card, papers connected with the tanker lorry. Kambli (MW-1) is the Operation Officer. He was on duty

at the relevant date. He is a person who suspected fraud in the weight of the tank lorry and asked Pandian to look in to the matter. If so happened that when he resumed on his duty at D.R.O. point he noticed that before he came there at about 4.50 p.m. some of the tanker lorries had gone for filling up and their tare weight was taken by the worker on the weigh bridge. At about 7.45 p.m., the concerned lorry came for weighing the gross weight which was punched by the worker. After calculation the net weight of the product loaded by that lorry he found that the weight was less by about 200 to 240 kgs. He then suspected in respect of the net weight and he again called the lorry for a gross weight again. He found later that the gross weight was 40 kgs excess than the earlier punched gross weight by the worker. Even then he was not satisfied with that weight. Therefore he send back lorry for verification of volume. It was okayed as per the DRO officer. Therefore he contacted Pandian. He affirmed that he was sure regarding the adjustment of tare weight. Thereafter it was not possible to verify the tare weight. He had given the procedure how the TDU section works.

12. From his testimony it reveals that when the tanker truck comes for loading of a particular product it has to go to the weigh bridge. The worker was the filler at that weigh bridge. There the tare weight of the tanker is to be taken. While carrying out that process it is to be seen that the truck is empty. No extra material is put on it, the driver or the cleaner did not sit in the truck nor they stand on the platform of the weigh bridge. It has to be further seen that there is no other material by which the tare weight of the tanker can be increased. The officer concerned has to supervise the things and then the tare weight is recorded on the card which the officer signs. Thereafter the tanker goes for filling. The lorry driver surrenders his authority slip to white oil gantary leading hand for his guidance. The leading hand checks the dips, temperature after completion of filling the leading hand issues a counter slip of the respective lorries which was surrendered to him earlier. The lorry then comes to DRO point for verification of dips even though it goes on weighment basis. The DRO officer verifies the dips with the help of dip checking general operative and he put his signature on the authority slip to acknowledge that he had verified the dips. The lorry is being sealed (Bottom valves and Top compartment lids) after that lorry comes to the same weigh-bridge for punching gross weight. After recording the gross-weight weigh-bridge officer signs the weighment card against the gross-weight and he calculates the net weight product and verifies the net weight for equivalent volume. If he finds any fraud play he requests DRO officer for rejecting the lorry and mentioning the dips of the dips of the respective compartments. If at all any difference is found he will tally with the difference of the net-weight which he gets. Then he will enter the details i.e. Lorry number, product caliberated quantity in the lorry. Gross-weight, netweight and tare weight in the weighment register for that which is record. After this, along with the weighment card authority slip, counter bill the lorry driver will go to the respective clerk for having the gate pass. The clerk will check the signature of the officer against the tare weight-cum-gross weight as well as both the officers signature on the authority slip. This gate pass is prepared mentioning all the details which

is signed by TDO Officer. Then the lorry is allowed to pass the gate.

13. From the testimony of Kambli it is very clear that the officer on the weigh bridge is responsible for the weights taken on that spot. Affiliation is to do the work which is supervised by him. In this particular case the machines are inside. There they sit or stand and do the punching. It appears that it is invisible to see activities of persons from inside when the weighing was done. It appears that it is possible to make the mischief while tare weight is taken by the driver. It can be done by keeping the truck little away from the platform, putting some articles such as Jacks, ropes, drums or the driver or cleaner even sitting in the drivers cabin. The result is that the tare weight increased. While the tanker is filled when the gross-weight is taken to be carried out this extra material has to be removed with a result that the netweight of the product reduces even though it is actually more and the concerned person gets benefit out of it.

14. Pandian who deposed before the inquiry officer and before the Tribunal also affirms that Ajmer Singh the driver gave a confession that the worker demanded Rs. 100 for adjustment in tare weight which he gave after he did the adjustment. This statement is at Ex-5] pg. 106. Kambli nor Pandian are not the eye witnesses to the incident of worker demanding Rs. 100 from the driver and explained the same after alleged adjustment of tare weight. Pandian affirmed that the driver gave a statement which he recorded. Now it is to be seen what is the testimony of Ajmer Singh.

15. Ajmer Singh at the first instance admitted whatever said by him in the statement is correct. In other words he affirmed that the worker demanded him Rs. 100 for adjustment of tare weight which he gave after adjustment. But later on he deposed that he had given such a writing to Pandian because he was compelled to do so. He further affirmed that Pandian threatened him that if such a statement is not given the vehicle will not be allowed to be removed or refilled again. Therefore he had given the statement. At one such stage he had stated that at an earlier stage he deposed, so and given the statement but now he is deposing the truth because he met with an accident in which he is saved and now he does not worry regarding the business. It can be further seen that later on he was re-examined and again cross examined. Really speaking that procedure is something unknown. In re-examination he again returned back to his earlier statement and confirmed all other things. All these things clearly go to show that this person cannot be relied upon. It appears that he has no regard for the truth. He changes his versions to suit his purpose. His testimony has to be discarded for all its worth

16. It is admitted position that Ajmer Singh left the truck in the refinery on the day of the incident and came back after four days. At that time he was allowed to take the truck without any difficulties. It appears that it must be on some assurances that nothing will happen to him. Infact he deposed to that effect that his brother assured him that nothing will happen to him and he could take the truck out. It did happen. It can be further seen that when he took the truck out the refinery he could fill some more material in it. He left the refinery on the date of the incident without informing anybody. That speaks that he must be afraid of somebody and therefore he left it without informing anybody and keeping the truck there. This conduct supports the case of the worker that Pandian threatened him to compell him to make the statement.

17. From the testimony of Kambli and that of Pandian it is very clear that the tare weight can be manipulated by the conduct of the driver. It is not necessary that the filler has to help him or the officer concerned has to do the Act. Without their knowledge also that can be done by the driver or the cleaner who comes on the weigh bridge alongwith the truck. The conduct which I have referred to above of Ajmer Singh is not like that of the gentleman. Therefore it can be said that he must have done the mischief for which the worker is held to be guilty.

18. Pardeshi affirmed that due to the earlier incidents dated 21-4-88 and 16-5-88 there was an enmity between him and Pandian. It is pertinent to note that there is no cross-examination of Pardeshi on this point. Nodoubt Pandian (Exhibit-10) had come forward to depose that no such incident had taken place as alleged by Pardeshi. But the evidence which I have discussed above suggested that there was something in the mind of Pandian against the worker.

19. M.S. Mawankar the General Operative (DW1) and J.A. Patil Filler (DW2) had given the procedure of weighing of the tank like that of the management witnesses. According to them the foreman also can see what is done by the filler. No doubt their evidence is not much helpful to the worker. But for the reasons stated above even though these witnesses do not help the workman the evidence which is on the record do not bring the guilt home.

20. It is tried to argue on behalf of the corporation that the evidence or the pro required in a criminal proceedings is different than in a domestic inquiry. Nodoubt there is no dispute over this preposition. But even then in a domestic inquiry there must be some evidence on which it can be said that the charges are proved. Here in this case the case appears to be of no evidence. The conclusions drawn by the inquiry officer are therefore without any basis and perverse. In the result I record my findings on the points accordingly:

ORDER

The findings of the inquiry officer are perverse and not on the basis of the evidence before him.

S.B.PANSE, Presiding officer

नई दिल्ली, 7 फरवरी, 1997

का० आ० 561.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार असम ऑयल कंपनी लिमिटेड के प्रबंधन के सदस्य नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6 फरवरी, 1997 को प्राप्त हुआ था।

[संख्या एल०-30011/5/76-डी III बी/आई आर (सी-1)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 7th February, 1997

S.O. 561.—In pursuance of Section 17 of the Industrial Disputes Act, 1917 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Assam Oil Company Ltd. and their workmen, which was received by the Central Government on 6-2-1997.

[No. L-30011/5/76-D.IIIB/IR(C-1)]

BRAJ MOHAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL AT CALCUTTA

Reference No. 59 of 1978

PARTIES :

Employer in relation to the management of
Assam Oil Company Limited, Digboi
(Assam).

And

Their Workmen

PRESENT :

Mr. Justice K. C. Jagadeb Roy—Presiding
Officer.

APPEARANCE :

On behalf of Management.—Mr. R. N.
Banerjee, Advocate.

On behalf of Workmen.—Mr. A. B. Roy,
Advocate.

STATE : Assam. INDUSTRY : Petroleum.

AWARD

By Order No. L-30011/5/76-D.IIIB. dated 14th June, 1978 the Central Government in exercise of its powers under section 10(2) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Having regard to the past practices and in view of the amended Payment of Bonus

Act, 1965, whether or not any bonus for the accounting year 1975 is payable to the workmen of Assam Oil Company Limited? In either case to what relief are these workmen entitled?”

2. Assam Oil Company Limited, the management and the Assam Oil Company Limited Labour Union as the parties to the reference have filed their respective written statements. Assam Oil Company Ltd., however, has subsequently filed an additional written statement.

3. In order to appreciate the claim of the workmen for bonus for the accounting year 1975, it is necessary to trace the conduct of both these parties which led to several settlements between them relating to the bonus that was to be paid for the earlier years beginning from 1947. It is necessary because the workmen claimed that since they were given bonus beginning from 1947 onwards till 1974 the bonus assumed the characteristic of ‘Customary Bonus’ which they also entitled to for the year 1975, the truth of which claim has been challenged by the management.

4. The management filed a detailed written statement, which when stated in brief, are as follows : The Assam Oil Company was a public limited Company incorporated in England having its registered office in India at Digboi in the Dibrugarh District of Assam, which is now a division of the Indian Oil Corporation, India. The workmen had made a claim for bonus for the years 1944, 1945, 1946 and 1947 which had come up for adjudication before the Industrial Tribunal and the Industrial Tribunal by its Award published in the extra-ordinary gazette on 11-2-1949 had rejected the claim for bonus for the years 1944, 1945 and 1946, while directing payment of a month's basic wage as bonus for the year 1947. The claim for bonus for the subsequent years 1948, 1949 and 1950 were also referred to for adjudication to the Industrial Tribunal later and by the Award dated 7-8-1952 the Tribunal while directed the payment of 3 months basic wage as bonus for the year 1949, allowed only basic wage for 2 months as bonus for the year 1950, subjected to certain conditions as stipulated in the Award. This Award of the Tribunal however, was modified by the Labour Appellate Tribunal at Calcutta in Appeal Case No. Cal 250/52 and by judgement dated 8 June, 1954 allowed 3 months basic wages for each of the years 1948, 1949 and 1950. Since the Company had already paid voluntarily for each of the 3 years bonus at the rate of one month's basic wage for every year, the Award directed for additional bonus at the rate of 2 month's basic wage. This award also stipulated certain conditions for payment of bonus that was to be paid. For the next 3 years 1951, 1952 and 1953, the Industrial Tribunal by its Award published on 19 May, 1956 awarded no bonus for the years 1952 and 1953 but award bonus at 4 months' basic wages for the year 1951. This was inclusive of the 2 months basic wages already paid by the Company voluntarily for the said year.

On 26 February, 1957 the parties decided to conclude a long-term settlement on the quantum of bonus for the years 1951, 1952, 1953, 1954, 1955, 1956, 1957 and 1958, in which bonus at 3 months' basic wage for each of the years from 1954 to 1958 were agreed to be paid and received. The management as a gesture of goodwill as is stated in the written statement made an exgratia payment of a further one month's basic wage as bonus in addition. This was followed by several other settlements signed on 30 May, 1960 in respect of the year 1959, on 14 July, 1961 in respect of the year 1960 and on 23 February 1963 in respect of year 1961 and on 21 September, 1963 in respect of the year 1962 wherein the management agreed to pay bonus at the rate of 3 months' basic wages for each of these years. Another long term settlement had also entered into between the parties which has been annexed as Annexure B to the written statement of the Company and is dated 10 April, 1965 under which the management agreed to pay bonus at the rate of 3 months basic for the years 1963 to 1967. The bonus that was granted under these settlements only referred to bonus and not profit bonus as mentioned in the written statement of the management.

5. The payment of Bonus Act, 1965 came into force on 25 September, 1965. This Act was to provide for the payment of bonus to persons employed in certain establishment on the basis of profit or on the basis of production or productivity and for matters connected therewith (a reference can be made to this long title substituted in place of the provisions by section 2 of the Act 23 of 1976) and as already held in *Jalang Trading Company v. Mill Mazdur Sabha*, reported in 1967 AIR (SC) 691, the object of the Act is to maintain peace and harmony between labour and capital by allowing the employees to share the prosperity of the establishment reflected by the profits earned by the contribution made by the capital, management and labour.

6. Because of the introduction of the statutory provision in the field, both the parties considered it proper to ratify the terms of the long-term settlement signed on 10 April, 1965 by a fresh agreement dated 6 March, 1967 in accordance with the provisions of Section 34(3) of the Payment of Bonus Act, 1965 which earlier existed in the statute but substituted later by the present section 34 of the Act 23 of 1976. Under the same agreement, the parties agreed to abide by the terms of the memorandum of settlement of the aforesaid settlement signed on 10 April, 1965. This has been annexed to the written statement of the management as Annexure-C. By a separate memorandum of settlement reached on 25 April, 1969, the parties agreed that a 3 months basic wage be paid as bonus for the year 1968, which settlement has also been annexed as Annexure-D to the written statement. In the written statement filed by the union, the above mentioned facts which are mentioned in paragraphs 1, 2, 3 and 4 of the written statement of the management have been admitted by the union.

7. From the above narration of facts which have been admitted by the workmen in their written state-

ment, the payment of bonus for the years 1947 to 1968 cannot be said to be "Customary Bonus". In the case reported in 1963 AIR SC 1107 at page 1012 the following criterias were required to be satisfied in order to make any payment as "Customary Bonus" :

- (i) The payment has been for an unbroken series of years;
- (ii) The payment had been made at a uniform rate throughout and lastly;
- (iii) It has been paid even on years of loss and did not depend on profit.

The recital of facts stated above would show that the payment of bonus was for a long period of 22 years but the rate of payment was not uniform even though 3 months basic wage was given for most of the years, while no bonus was paid for 1952 and 1953, allowing only 4 months basic wage for the year 1951 and one month's basic wage for the year 1947. There is no positive evidence to show that this bonus was being paid notwithstanding any loss or profit of the particular accounting year. I accordingly do not find any point in favour of the union to grant 3 months wage or any amount as "Customary Bonus".

8. Coming to the subsequent period after 1968 a different approach was made in making payment of bonus as is stated in paragraph 5 of the written statement of the management. A settlement had been arrived at between the parties whereunder the Company revised the workmen's basic wage and D.A., gratuity/retirement benefits and overtime rates and the parties agreed in the memorandum of settlement that the payment of bonus in future would be calculated and paid in accordance with the provisions of Payment of Bonus Act, 1965. This settlement was made effective with effect from 1st December, 1969. This settlement referred to in paragraph 5 has not been challenged in the written statement of the workmen, though in the written statement the union has submitted that the alleged revision of pay scales was made arbitrarily with a minority union of the Company though recognised at that time and the said bonus was not linked with the profit or productivity and linked with the pay scales only and by that method the management managed to pay a lesser amount to the workman as bonus. These assertions by the workman has not been later on substantiated by evidence before the Tribunal as that was not directly in issue before this Tribunal. The settlement which has been continuously operative in the field after 1st December, 1969 cannot be ignored or brushed aside as illegal and ineffective.

9. The liability of the management to pay bonus in respect of the accounting year 1969 was referred to the Tribunal and the Tribunal by Award dated 5-5-1973 held that "The workmen of the Assam Oil Company were only entitled to the payment of minimum bonus of 4 per cent of their salaries or wages earned by them during the accounting year 1969 or Rs. 40 whichever is higher under section 10 of the Payment of Bonus Act, 1965." This Award was given on a reference being made to the Tribunal by

the joint application dated 30 September, 1970 by the parties. In the year 1970 a dispute having been raised by the union again for bonus for that accounting year, the Company was agreeable to pay only 4 per cent of their wages as bonus that being the statutory minimum prescribed under the Payment of Bonus Act, 1965. Since it was not acceptable by the workmen, on a joint application, the matter was again referred to the Tribunal. The reference made to the Tribunal was as follows :

“What quantum of bonus for the accounting year 1970 the workmen of Assam Oil Company Limited are entitled under the Payment of Bonus Act, 1965,

But the union instead of contesting the case withdrew themselves from the proceeding with the prayer that the Tribunal be pleased to dispose of the case. These facts are not challenged in the written statement of the union and the reference was disposed of by Award dated 27 February 1976 on the ground of non-prosecution.

Bonus for the years 1971, 1972 and 1973 was settled by a long-term agreement which the management has annexed as Annexure-J to the written statement and for the year 1974 the issue was also settled by an agreement signed on 25th August, 1975 which has been annexed as Annexure-K to the written statement of the management. The schedule of bonus payment was linked with the basic pay of the workman concerned as is detailed in that annexure.

10. This also adds to the fact that the payment of bonus to the workmen right from 1947 till 1974 was definitely not Customary Bonus but only a bonus paid to the workmen by the management under bilateral settlements. But Annexures ‘J’ and ‘K’ which deals with the bonus for the years 1971 to 1974 shows that the quantum of bonus linked with the basic rate of pay of the workmen and not with the profit of the Company.

11. The present reference is in relation to the payment of bonus in respect of the accounting year 1975. The Payment of Bonus Act, 1965 has been amended by the Payment of Bonus (Amendment) Act, 1976. The contention of the management as referred to in paragraph 10 of their written statement is that the Company was not liable to make any payment of bonus for the year 1975 as the Company was not liable to pay any bonus in the absence of any allocable surplus and as a matter of fact since there was no allocable surplus for the year 1975, no bonus is payable to the workmen for the said year under section 10 of the Payment of Bonus Act, 1965. The union has stated that the production of the Company has gone up more than the previous years in consequence leaving more profit. As such, the quantum of bonus cannot be less than the previous year.

12. Within the meaning of the definition provided in the Payment of Bonus Act, 1965 “Allocable Surplus” means :

- (a) in relation to an employer being a Company “other than a banking company” which has not made arrangement prescribed under the Income Tax Act for deduction of payment within India of the dividend payable out of profits “in accordance with the provision of Section 194 of that Act, 67% of the available surplus in an accounting year; and
- (b) in any other case 60% of such available surplus.

Section 5 of the Payment of Bonus Act, 1965 deals with the computation of “Available Surplus” and reads as follows :

“Section 5, Computation of available surplus—The available surplus in respect of any accounting year shall be the gross profit for that year after deducting there from the sums referred to in Section 6 :

Provided that the available surplus in respect of the accounting year commencing on any day in the year 1968 and in respect of every subsequent account year shall be the aggregate of—

- (a) the gross profits for that accounting year after deducting therefrom the sums referred to in section 6; and
- (b) an amount equal to the difference between—
 - (i) the direct tax, calculated in accordance with the provisions of section 7, in respect of an amount equal to the gross profits of the employer for the immediately preceding accounting year; and
 - (ii) the direct tax, calculated in accordance with the provisions of section 7, in respect of an amount equal to the gross profits of the employer for such preceding accounting year after deducting therefrom the amount of bonus which the employer has paid or is liable to pay to his employees in accordance with the provisions of this Act for that year.”

The computation of “gross profit” is contained in Section 4 of the Act. The proviso to Section 5 dealing with the computation of available surplus includes a proviso referred to above which was inserted into the Act by Section 2 of the Act 8 of 1969. Therefore, to be precise, under section 5 “available surplus” for the purpose of calculation of bonus in respect of any accounting year shall be gross profit for that year after deducting therefrom the sums referred to in section 6 and as held in 1959 (1) LLJ 644(SC) these formulae for such calculation should not be deviated.

Section 6 of the Act deals with the sums deductible from the gross profit to calculate the available surplus, are enumerated below :

“Section 6. Sums deductible from gross profits—The following sums shall be deducted from the gross profits as prior charges, namely :

- (a) any amount by way of depreciation admissible in accordance with the provisions of sub-section (1) of Section 32 of the Income-

tax Act, or in accordance with the provisions of the agricultural income-tax law, as the case may be :

Provided that where an employer has been paying bonus to his employees under a settlement or an award or agreement made before the 29th May, 1965, and subsisting on that date after deducting from the gross profits notional normal depreciation, then, the amount of depreciation to be deducted under this clause shall, at the option of such employer such option to be exercised once and within one year from that date continue to be such notional normal depreciation:

- (b) any amount by way of development rebate or investment allowance or development allowance which the employer is entitled to deduct from his income under the Income-tax Act;
- (c) subject to the provisions of section 7, any direct tax which the employer is liable to pay for the accounting year in respect of his income, profits and gains during that year;
- (d) such further sums as are specified in respect of the employer in the Third Schedule."

Clause (d) however was introduced to Section 6 by the Act 66 of 1980.

13. The case of the management is that the computation made on the basis of the audit and published Profit & Loss Account of the Company for the accounting year 1975, there was no allocable surplus available warranting payment of bonus to the workmen for the said accounting year 1975 and as such the Company was not liable to pay, nor the workmen, was entitled to receive any bonus for the accounting year 1975, which is challenged by the workmen in their written statement stating that the Profit & Loss Account appeared to be manipulated for ulterior purpose. The gross profits were not calculated as per actual transaction and legal requirements and though on 8-9-1975 the Union made a demand in writing for certain information regarding the items of the Balance Sheet and Profit & Loss Account as mentioned therein and the request was repeated by letter dated 16-9-1976, the Company did not furnish these informations to the union inspite of such demands. The Company, according to them, made sufficient profit and reached high productivity that year and there was allocable surplus for distribution as bonus to the workmen. They have annexed a copy of the letter dated 16-9-1975 addressed to the General Manager, Assam Oil Company to their written statement. This letter merely shows that they made query regarding certain information to be supplied in details in writing, queries being on the Balance Sheet for the accounting year 1975 and the computation submitted to them vide General Manager's letter dated 12 August, 1976, which according to them could not be furnished to them without the General Manager's permission. This was written by Shri A. C. Paul, Joint Secretary of the Union to the General Manager of the Company. Apart from being filed as annexures to the written statement, those have not been separately exhibited during the hearing. The queries are quoted below :

371 GI/97—11

Information required in connection with 1975 Accounts:

(A) Profit/Loss Account (Schedule-B)—1975

- (1) Employees Pension & Gratuity—On basis these calculations were made and please mention the period for which those were made.
- (2) Charges on sale of Indigenous products (Schedule 'B'—Please furnish the details of charges)
- (3) Excise Duty : Kindly give us the actual duty paid on account of 1975 only.
- (4) Crude Oil purchases from OIL—Please confirm any charges relating to previous years are included.
- (5) Crude price equalisation : Please give us the details and confirm any charges relating to previous years is included.

(B) Liabilities

Please furnish us the details of the following heads :

- (i) Sundry creditor.
- (ii) Other liabilities.
- (iii) Provision.

(iii)-A. The balance of the beginning of the year was 439 lacs. This year provision made 9.62 lacs. So total comes to Rs. 448.62 lacs. But the Balance Sheet shows Rs.589.86 lacs. What are the balance provision and when these booked.

(C) Assets

- (i) Loan & Advances ... (unsecured) Rs. 1,17,08,535. Please furnish the details.
- (i) Amount due from OIL—Rs. 2,55,58,826. Please furnish the details.

14. Section 23 of the Payment of Bonus Act, 1965 deals with the presumption of accuracy of the Balance Sheet and Profit & Loss Account of the Corporations and Companies according to which the authority before whom it is produced, may presume the statement and particulars contained in Balance Sheet and Profit & Loss Account to be accurate and shall not be necessary for the Corporation of the Company to prove the accuracy of such statement and particulars by filing an affidavit or by any other mode, provided that where the said authority is satisfied that the statements and particulars contained in the Balance Sheet or the Profit & Loss Account are not accurate, it may take such steps as it thinks necessary to find out the accuracy of such statement and particulars.

Sub-section (2) of Section 23 provides for an application to be made to the said authority by any trade union being a party to the dispute requiring any clarification relating to any item in the Balance Sheet and the Profit & Loss Account; it may, after

satisfying himself that such clarification is necessary, by order, direct the Corporation or as the case may be the Company to furnish to the trade union or the employees such clarification within such time as may be specified in the direction and the Corporation, as the case may be the Company shall comply with such direction.

15. The workmen had produced a copy of their petition dated 30-6-1988 addressed to the General Manager asking for certain informations which is the same as the annexure attached to the written statement of the workmen and during the hearing of the case at Dibrugarh on 23-5-1989 on the side of the workmen a copy of the petition filed by the workmen before the then Presiding Officer of this Tribunal on 20-4-1989 was exhibited mentioning therein that the items mentioned in the said petition which were in substance the same as in other letter to the General Manager dated 13-6-1988 were not replied to. The order sheet of this Tribunal dated 20-4-1989 shows that indeed such a petition had been filed by the union and after the objection had been received from the management wherein the management had ascertained that they had supplied the information as required and must have been in the custody of the then officers of the union and the present office bearers of the union might not have received them if the union officers are not in good terms. The Presiding Officer by his order dated 14-8-1989 directed that the Company would make available the copies of these informations supplied earlier, copies of which may be still available with them, so that the union may not have any grievance. Though the case has been posted several times latter, the union has not informed the Tribunal subsequently if this direction of the Tribunal dated 14-8-1989 requiring the management to supply the copies had not been complied with.

16. During the hearing of this case, Shri P. L. Baruah the Personnel Manager of the Indian Oil Corporation (Assam Oil Division), Digboi was examined as MW-1. He stated that earlier to this present labour union, there was another union by name APMU Union which was recognised then whereas this union was not then recognised, the copy of the replies must have gone to them who were then in the field. Shri Baruah has admitted in his evidence that the management had received Ext. M-4 alongwith the annexure. Ext. M-4 is the letter of the Joint Secretary of the AOC Labour Union to the General Manager requiring the informations contained in the annexed list which is also made part of the Ext. M-4. He could not say if these queries were replied to by the management. Ext. M-4 is dated 6-9-1976. Ext. M-5 does not refer to the said letter seeking clarification/information and the witness says that it was with reference to a letter of the union of the year 1978. He also could not say if the letter of the union as per Ext. M-4 was complied with. Even if Ext. M-5 is treated in reply to the letter as per Ext. M-4, the reply to the queries were contained in the annexures to that letter which was the letter of Shri Saikia, Joint Secretary of the union stating that the replies were contained in Annexure-A but Annexure-A was not

filed alongwith Ext. M-5 by the management. This witness further states that he could not find that Annexure-A to Ext. M-5 in the Court records though he had a copy in his office file. The management has therefore, failed to satisfy the Tribunal that an attempt had been made to furnish the information to the union in terms of Section 23 of the Act. In such circumstances the union could not have successfully challenged the Profit & Loss Account filed by the management. But as the following paragraph would show, no actual prejudice on that account was caused to the union.

17. Another document is also filed on behalf of the union in this regard which is a letter of the Chartered Accountant Shri M.K. Sarkar & Company addressed to the Joint Secretary, AOC Labour Union. This has been marked Ext. W-2, though with objection as the executant of this letter was not produced in the Tribunal to be cross-examined on the point. Opportunity had been given to the workmen to bring the person who issued this letter to subject himself to the cross-examination in order to support his contention made out in that letter. By order dated 23-8-1995 this Ext. W-2 was kept out of the purview of consideration as it was not proved by examining the executant of the letter.

18. Mr. Chetri was examined on behalf of the union as WW-1, who was the Joint Secretary of the AOC Labour Union. He had undertaken on 22-3-1995 that he will file a calculation of bonus which according to the workmen should be allowed to them, within 15 days of his deposition. But no such calculation had been filed within that time, even till the closure of the argument in the reference case. The order sheet of the reference case however, shows that the management had served required information to the union earlier, pursuant to the order dated 14-8-1989 by serving another set of copies to Shri Chetri the Joint Secretary of the union which has not been denied by him in his deposition. In his cross-examination, he did not refuse the suggestion that the documents had been supplied to him. In such view of the matter, there is no material before me to dispel the presumption of the correctness of the Profit & Loss Account of the Company for the accounting year 1975.

19. The Chief Personnel Manager of the Company who was examined as sole witness for the management during the hearing of the reference case, had stated since there was no allocable surplus for the accounting year 1975, a general notification was issued under the signature of the General Manager dated 25 August, 1976 stating therein as no "Allocable surplus" for the accounting year 1975 was found on computation, under the Payment of Bonus Act, 1965 amended upto date, no bonus could be payable to the employees of the Company under section of the Act.

20. The Payment of Bonus (Amendment) Act, 1976 which substituted an Ordinance already in force, was enacted and published in the extraordinary gazette on the 11 February, 1976. As per Section

1 of the said Amending Act, this Amending Act was deemed to have come into force on 25 September, 1975. Two major changes were brought into the parent Act of 1965 by this amending Act by substitution of the old Section 10 by a new section and by insertion of a new Section namely, Section 31A which are quoted below :

"10(1) Subject to the other provisions of this Act, where an employer has any allocable surplus in any accounting year, then, he shall be bound to pay to every employee in respect of that accounting year a minimum bonus which shall not be less than four per cent of the salary or wage earned by the employee during the accounting year or one hundred rupees whichever is higher, or, in a case where the allocable surplus exceeds the said amount of minimum bonus payable to the employees, an amount in proportion to the salary or wage earned by the employee during the accounting year subject to a maximum of twenty per cent of such salary or wage :

Provided that where an employee has not completed fifteen years of age at the beginning of that accounting year, the provisions of this sub-section shall have effect in relation to such employee as if for the words "one hundred rupees", the words "sixty rupees" were substituted.

(2) Notwithstanding anything contained in sub-section (1), every employer shall be bound to pay to every employee in respect of the accounting year commencing on any day in the year 1974, a minimum bonus which shall be four per cent of the salary or wage earned by the employee during that accounting year or one hundred rupees whichever is higher, whether or not the employer has any allocable surplus in that accounting year.

Provided that where an employee has not completed fifteen years of age at the beginning of that accounting year, the provisions of this sub-section shall have effect in relation to such employee as if for the words "one hundred rupees" the words "sixty rupees" were substituted.

(3) For the purpose of this section, the allocable surplus shall be computed taking into account the amount set on or set off in the three immediately preceding accounting years and in the accounting year in respect of which the bonus is payable, in the manner illustrated in the Third Schedule."

"Special provision with respect to payment of bonus linked with production or productivity:

31A. Notwithstanding anything contained in this Act—

- (i) where an agreement or a settlement has been entered into by the employees with their employer before the commencement of the payment of Bonus (Amendment) Act, 1976, or
- (ii) where the employees enter into any agreement or settlement with their employer after such commencement, for payment of an

annual linked bonus with production or productivity in lieu of bonus based on profit payable under the Act then, such employees shall be entitled to receive bonus due to them under such agreement or settlement as the case may be :

Provided that such employees shall not be entitled to be paid such bonus in excess of twenty per cent of the salary or wage earned by them during the relevant accounting year."

Section 31A created some special provisions with respect to payment of bonus linked with production or productivity.

21. I have already discussed above that there is no material led by the union to suggest that the Profit & Loss Account filed by the management endorsed by their Chartered Accountant, could not be proved before this Tribunal or anything has been shown to show that it had been manipulated to show no allocable surplus for the said accounting year. Shri P. B. Chetri, Joint Secretary of the union who examined himself as a witness undertook to produce a statement before the Tribunal within the time allotted showing how much bonus the workmen would be entitled to, but he has failed to produce the said statement.

22. The question now arises if the allocable surplus is not there, whether the workmen of the Assam Oil Company were not entitled to any bonus for the said year of 1975. The Payment of Bonus (Amendment) Act, 1976 was deemed to be effective from 25 September, 1975 and this superseded the Ordinance which was in the field in this regard. The allocable surplus, has only special significance for the purpose of Section 10(1) of the new section that was inserted by the Amending Act of 1976. According to Sub-section (1) subject to other provisions of that Act when an employer had allocable surplus in an accounting year, he was bound to pay every employee in respect of that accounting year a minimum bonus which shall not be less than 4 per cent of the salary or wage earned by the employee during the accounting year or Rs. 100 whichever is higher or in a case where the allocable surplus exceeds the said amount of minimum bonus payable to the employees, an amount in proportion to the salary or wage earned by the employee during the accounting year subject to a maximum of 20 per cent of such salary or wage, be paid, provided that in case of an employee who had not completed 15 years of age at the beginning of the concerned accounting year for the words one hundred rupees as stated earlier, it would be sixty rupees. The Sub-section (2) of Section 10 is very specific. Where there was no allocable surplus in any accounting year because of Sub-Section (2) every employer shall be bound to pay every employee in respect of the accounting year commencing on any day in the year 1974, a minimum bonus, which shall be 4 per cent of the salary or wage earned by the employee during that year or Rupees one hundred, whichever is higher, which further provided that when the employee had not completed 15 years of age at the

beginning of that accounting year, in the place of one hundred rupees, it would be read as sixty rupees.

23. In the present case, therefore, even if the workmen failed to show that there was any error in the Profit & Loss Account and that no allocable surplus was available, still they are entitled to the minimum bonus at the rate of four per cent of the salary/wage earned by each of them during the accounting year or one hundred rupees or sixty rupees as the case may be, whichever is higher.

24. No materials has been shown or any evidence led by the union to show that in computing the allocable surplus, there was any error in not taking into account the amount set on and set off in the three immediately preceding accounting years or in the accounting year for which the bonus was claimed in the manner illustrated in the Third Schedule and further in view of the fact that the non-availability of the allocable surplus as notified by the management as per Ext. W-1 has not been challenged showing any mistake, this consideration of set on and set off in calculation of allocable surplus only becomes academic in the present case and does not affect the decision in this Award.

25. This being the statutory duty of the employer to pay the minimum bonus under the Payment of Bonus Act, 1965 as amended by the 1976 Act and the management having denied this to the workmen, any bonus payable to each of the workmen shall carry with it an interest at six per cent per annum from the date it was due till the date of payment.

26. Coming to the last submission of the workmen that they are entitled to higher bonus, similar to almost all the years prior to 1974 and having been allowed bonus after 1975, they should be allowed at least 3 months basic wage as bonus for the year 1975 at which rate they had been given bonus prior to this for certain years particularly when there was high production in the Company and the law recognises the production/productivity bonus. This contention of the workmen carries no substance. As I have already stated, special provisions with respect to payment of bonus linked with production/productivity was introduced into the parent Act by insertion of a new Section 31A by Payment of Bonus (Amendment) Act, 1976 which is also quoted earlier in this award. The workman can only claim bonus linked with production/productivity provided there was an agreement or settlement entered between the employer and the employees before the commencement of the Payment of Bonus (Amendment) Act, 1976 or even after such commencement agreeing for payment of annual bonus linked with production/productivity to paid in lieu of bonus based on profits, payable under the Act. In such cases only, the employees shall be entitled to receive bonus due to them under such agreement or settlement as the case may be. That also was subjected to the proviso that this bonus will not exceed 20 per cent of the salary/wage earned by them during the relevant accounting year. There is no material placed before this Tribunal either by way of documentary evidence or by oral statement before the Tribunal that such an agreement

had been gone into. Therefore, the claim of the workmen to receive the bonus linked with production/productivity is bound to fail.

27. In the result, I pass this Award holding that the employees of Assam Oil Company are entitled to four per cent of the salary or wage earned by such employees during the accounting year 1975 or one hundred rupees whichever is higher, provided that where an employee had not completed 15 years of age at the beginning of that accounting year, this direction should be modified holding that he shall be given four per cent of the salary or wage earned during the accounting year or sixty rupees whichever is higher along with the interest as indicated.

The reference is answered accordingly.

Dated, Calcutta,

The 29th January, 1996.

K. C. JAGADEB ROY, Presiding Officer

नई दिल्ली, 19 फरवरी, 1997

का.आ. 562.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-02-97 को प्राप्त हुआ।

[संख्या एल-12012/380/91/आई.आर.बी. 2]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 19th February, 1997

S.O. 562.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award, of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workmen, which was received by the Central Government on 6-2-1997.

[No. L-12012/380/91-IR. B-2]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESID-
ING OFFICER CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT PANDU NAGAR, KANPUR.

Industrial Dispute No. 34 of 1992

In the Matter of Dispute

BETWEEN :

Sri Jagbir Singh,
C/o Sh. O. P. Nigam,
A.R. Avam State Up Adhayaksh,
U.P.E.C.E.C.
295/387, Din Dayal Road,
Asarfabad,
Lucknow.

AND

Assistant General Manager,
Bank of Baroda,
Lucknow Regional Office,
Hazratganj,
Lucknow.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-12012/380/91-I.R. (B-2) dated 25-2-92, has referred the following dispute for adjudication to this Tribunal:—

Whether the action of the Assistant General Manager, Bank of Baroda, Lucknow Zone, in not regularising Sh. Jagbir Singh as sub-staff with retrospective effect is justified? If not, to what relief the workman is entitled to?

2. It is unnecessary to give the details of pleadings as on 9-1-97 workman files application for not press the case. Hence reference is answered again the concerned workman for want of prosecution further he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 19 फरवरी, 1997

का.आ. 563.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-02-97 को प्राप्त हुआ।

[संख्या एल-12012/454/91/आई.आर. (बी.-2)]

ब्रज मोहन, डेप्युटि अधिकारी

New Delhi, the 19th February, 1997

S.O. 563.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award, of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and

their workmen, which was received by the Central Government on 6-2-1997.

[No. L-12012/454/91-IR(B-2)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESID-
ING OFFICER CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT PANDU NAGAR, KANPUR.

Industrial Dispute No. 29 of 1992

In the matter of dispute

BETWEEN

Indrajeet Singh,
C/o Sh. O. P. Nigam,
A.R. Avam State Up Adhayaksh,
U.P.C.E.C.
295/387, Din Dayal Road,
Asarfabad,
Lucknow.

AND

Assistant General Manager,
Bank of Baroda,
Lucknow Regional Office,
Hazratganj,
Lucknow.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-12012/454/91-I.R.(B-2) dated 25-2-92, has referred the following dispute for adjudication to this Tribunal:—

Whether the action of the Assistant General Manager, Bank of Baroda, Lucknow Zone, in not regularising Sh. Inderjeet Singh as sub-staff with retrospective effect is justified? If not, to what relief the workman is entitled to?

2. It is unnecessary to give the details of pleadings as on 9-1-97 workman files application for not press the case. Hence reference is answered again the concerned workman for want of prosecution further he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 19 फरवरी, 1997

का.आ. 564.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण,

कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-02-97 को प्राप्त हुआ।

[संख्या एन-12012/609/89-आई.आर. (बी. 2)]

ब्रजमोहन, डेस्क अधिकारी

New Delhi, the 19th February, 1997

S.O. 564.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of UCO Bank and their workmen, which was received by the Central Government on 06-02-1997.

[No. L-12012/609/89-IR(B-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 91 of 1990

In the matter of dispute :

BETWEEN

Zonal Manager,
UCO Bank,
23 Vidhan Sabha Marg,
Lucknow.

AND

Secretary,
U.P. Bank Employees Congress,
9 Laxmi Gate,
Jhansi.

AWARD

1. Central Government, Ministry of Labour, vide its Notification No. L-12012/609/89-D-2-A dated 26-3-90 has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of UCO Bank in dismissing Sri R. P. Srivastava from service is justified? If not, to what relief is the workman entitled?

2. The concerned workman R. P. Srivastava was working as clerk at Jhansi Branch of the opposite party UCO Bank. He was served with a chargesheet dated 11-12-85 which runs as under :—

1. In the savings bank account No. 2442 of Mr. Rakesh Kumar Agarwal, fictitious credit of Rs. 41 with a narration by cash was made by you in an unauthorised and irregular manner on 11-11-74. There is no such voucher in the supplementary book of the day.
2. In the Savings Bank Account No. 3127 of Sri Vinod Kumar Srivastava you made a fictitious credit entry of Rs. 100 on 11-11-74 with the narration by cash. No such amount was deposited by Mr. Srivastava on that date.
3. In similar fashion in joint savings bank account No. 1475 of Mr. Babulal Sharma a fictitious credit of Rs. 515 was afforded by you on 9-11-74. Not only this in the supplementary book of the day fictitious entry was made in credit transfer side and for the contrary entry in debit transfer side the fictitious entry of the like amount was made in the account No. 1519 of Sri V. B. Khare. All such fictitious entries were made after writing and checking of the supplementary book.

One B. B. L. Asthana an officer of the bank was appointed as enquiry officer. After completing enquiry he submitted his report on 11-5-88. Agreeing with this report the concerned workman was dismissed from service. Feeling aggrieved he raised an industrial dispute. In the claim statement, inter alia, the fairness and propriety of the enquiry report was challenge. The management in its reply maintained that enquiry was fairly and properly held. My learned predecessor vide finding dt. 2-7-93 held that enquiry was fairly and properly held. Now the parties have been heard on the question of the quantum of punishment.

3. The authorised representative for the management has referred to the case of State Bank of India Versus Samrendra Kishan Indo 1994 SCC L&S 687 and has urged that this Tribunal has got no powers to consider the question of punishment. I am afraid that this ruling has not been understood by the management in proper prospective. In this case a departmental enquiry was held in respect of an officer of the bank and he was punished. He carried the matter before Board where the punishment was maintained and appeal was dismissed. The officer of the bank filed writ petition which was allowed after contest, and punishment was set aside. The State Bank of India preferred appeal before Hon'ble Supreme Court. It was laid down by the Hon'ble S.C. that High Court/Administrative Tribunal have no powers to interfere with the quan-

tem of punishment if the enquiry is held to be proper. If the punishment is found to be harsh the proper course would be to remit the matter to appellate authority. I think this authority will have no application to the present case. This tribunal has been clothed with jurisdiction under sec. 11-A of I.D. Act, to look into the proportionality of punishment. Whereas High Court or Administrative Tribunal have not been conferred with such powers. Hence, I overrule the contention of the authorised representative of the management that this tribunal has no powers to interfere with the quantum of punishment.

4. The authorised representative for the workman has carried me through charges. A bare perusal of these charges would indicate that the concerned workman has made fictitious entries in the account of three persons at different dates in the year 1974 and 1975. There is not even whisper of the allegations that these entries were made with any ill motive. Thus at the most these entries can be said to have been caused due to negligence. Further there was no allegation of embezzlement of amount. Hence question of criminal breach of trust does not arise. In the case of Union of India versus J. Ahmad 1979 (38) FLR 344 SC, the Hon'ble Supreme Court had quoted with approval the meaning of misconduct as given in Stroud's Dictionary it runs as under—

Misconduct means misconduct arising from ill motive acts of negligence errors of judgment or innocent mistake do not constitute such misconduct.

As has been submitted by the authorised representative of the concerned workman there is no allegation of ill-motive in the instant case. Even there is no proof of the fact that by making false credit the concerned workman was actuated with making some personal gain or causing loss to any one else. Indeed from the averments as made in the charge no case of financial loss is made out at all. Hence in the absence of any pleading or proof I have no hesitation in holding that there was no mala fide intention in making this incorrect credit entries. Thus actually speaking it is a case of no misconduct. At the most it is a case of negligence. Hence what the management have been able to prove in enquiry is not a misconduct. Still the authorised representative of the management has argued that the concerned workman is facing a number of embezzlement cases the details of which have been given in the written arguments. In view of this it would not be proper to order for reinstatement of the concerned workman as there is loss of confidence. In my opinion, all this cases will not be material for finding the proportionality of the punishment in the instant case. If in these criminal cases the concerned workman is found guilty it will be open to them to take necessary action in accordance with rules but that cannot be a con-

sideration for the present purposes. As we have to consider the question of quantum of punishment strictly according to charges which have been found to be proved. Similarly the question of loss of confidence is also to be seen in the light of gravity of misconduct merely by making of wrong credit entries question of loss of confidence would not arise. The three charges which have been found to be proved by this tribunal are not so grave as to warrant dismissal by way of punishment. It can be the outcome of negligence as well. Hence, I am of the opinion that in this case punishment by way of dismissal is shockingly disproportionate, to the so called misconduct.

5. In my opinion the ends of justice will adequately met if the concerned workman is deprived of the wages from the date of dismissal to the date of reference.

6. Hence my award is that the dismissal of the concerned workman is not justified and is bad in law. He will be entitled for reinstatement in service with back wages from the date of reference. He will be further deemed to be in continuous service for the purposes of promotion and other retiral benefits.

Reference is answered accordingly.

22-1-97

Sd/-

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 19 फरवरी, 1997

का.प्र. 565 :— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक आफ बड़ौदा के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपर को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-02-97 को प्राप्त हुआ था।

[संख्या एन-12012/397/90-आई.आर. (बी.-2)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 19th February, 1997

S.O. 565.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workmen, which was received by the Central Government on 06-02-1997.

[No. L-12012/397/90-IR(B-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

New Delhi, the 19th February, 1997

BEFORE SHRI B. K. SRIVASTAVA, PRESID-
ING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 33 of 1992

Shri Gulshan Kumar Rathore,
C/o Shri O. P. Nigam,
A/R Avam State UP Adhayaksh
U.P.E.C.E.C.,
295/387, Din Dayal Road,
Asarfabad,
Lucknow.

AND

Asstt. General Manager,
Bank of Baroda,
Lucknow Regional Office,
Hazaratganj,
Lucknow.

AWARD

1. Central Government, Ministry of Labour,
New Delhi vide its Notification No. L-12012/397/
90-I.R.(B-II) dated 25-2-92 has referred the
following dispute for adjudication to this Tribunal—

“Whether the action of the Assistant General
Manager, Bank of Baroda, Lucknow
Zone, in not regularising Sh. Gulshan
Kumar Rathore as sub-staff with retros-
pective effect is justified? If not to what
relief the workman is entitled to?

2. It is unnecessary to give the details of plead-
ings as on 9-1-97 workman files application for
not press the case. Hence reference is answered
again the concerned workman for want of prosecu-
tion further he is not entitled for any relief.

30-1-1997

Sd/-

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 19 फरवरी, 1997

का.आ. 566 :—औद्योगिक विवाद अधिनियम,
1947 (1947 का 14) की धारा 17 के अनुसरण में,
केन्द्रीय सरकार बैंक ऑफ बड़ोदा के प्रबन्धतंत्र के संबंध
नियोजकों और उनके कर्मचारों के बीच, अन्तर्बन्ध में
निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक
अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो
केन्द्रीय सरकार को 06-02-97 को प्राप्त हुआ।

[संख्या एन-12012/376/91-आई.आर.बी. 2]

ब्रज मोहन, डैस्क अधिकारी

S.O. 566.—In pursuance of Section 17 of the
Industrial Disputes Act, 1947 (14 of 1947), the
Central Government hereby publishes the Award
of the Central Government Industrial Tribunal,
Kanpur as shown in the Annexure in the Industrial
Dispute between the employers in relation to the
management of Bank of Baroda and their work-
men, which was received by the Central
Government on 06-02-1997.

[No. L-12012/376/91-I.R.(B-2)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESID-
ING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 31 of 1992

In the matter of dispute :

BETWEEN

Shri Rajendra Kumar,
C/o Shri O. P. Nigam,
A/R Avam State UP Adhayaksh
U.P.E.C.E.C.,
295/397, Deen Dayal Road,
Asharfabad,
Lucknow.

AND

Assistant General Manager,
Bank of Baroda,
Lucknow Regional Officer,
Hazaratganj,
Lucknow.

AWARD

1. Central Government, Ministry of Labour,
New Delhi vide its Notification No. L-12012/376/
91-I.R.(B-II) dated 25-2-92, has referred the
following dispute for adjudication to this
Tribunal—

“Whether the action of the Assistant General
Manager, Bank of Baroda, Lucknow
Zone, in not regularising Sh. Rajendra
Kumar as sub-staff with retrospective
effect is justified? If not to what relief
the workman is entitled to?

2. It is unnecessary to give the details of plead-
ings as on 9-1-97 workman filed application for
not press the case. Hence reference is answered

the concerned workman for want of prosecution further he is not entitled for any relief.

30-1-1997

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 19 फरवरी, 1997

का.या. 567.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ बड़ोदा के प्रबन्धन के संबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-02-97 को प्राप्त हुआ।

[संख्या प्ल-12012/374/91/आई.आर. (बी. 2)]

ब्रजमोहन, डेस्क अधिकारी

New Delhi, the 19th February, 1997

S.O. 567.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workmen, which was received by the Central Government on 06-02-97.

[No. L-12012/374/91-IR(B-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 30 of 1992

Shri Bhagwan Gupta,
C/o Shri O. P. Nigam,
295/387, Deen Dayal, Road,
Lucknow.

AND

Asstt. Manager,
Bank of Baroda,
Lucknow Regional Office,
Hazratganj,
Lucknow.

AWARD

1. Central Government, Ministry of Labour, New Delhi vide its Notification No. L-12012/374 371 GI/97—12

91-IR.(B-2) dated 25-2-92, has referred the following dispute for adjudication to this Tribunal—

“Whether the action of the Assistant General Manager, Bank of Baroda, Lucknow Zone, in not regularising Sh. Bhawan Gupta as sub-staff with retrospective effect is justified? If not, to what relief the workman is entitled?”

2. It is unnecessary to give the details of pleadings as on 9-01-97 workman files application for not press the case. Hence reference is answered against the concerned workman for want of prosecution further he is not entitled for any relief.

30-1-1997

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 19 फरवरी, 1997

का.या. 568.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक आफ बड़ोदा के प्रबन्धन के संबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-02-97 को प्राप्त हुआ।

[संख्या प्ल-12012/377/90/आई.आर. (बी. 2)]

ब्रजमोहन, डेस्क अधिकारी

New Delhi, the 19th February, 1997

S.O. 568.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workmen, which was received by the Central Government on 06-02-97.

[No. L-12012/377/90-IR(B-2)]

BRAJ MOHAN, Desk Officer
ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 43 of 1992

In the matter of dispute :

BETWEEN

Sh. Purushottam Narain Sharma,
C/o Shri O. P. Nigam,

A.R. Avam State UP Adhayaksh,
U.P.E.C.E.C.,
295/387, Din Dayal Road,
Asarfabad,
Lucknow.

AND

Assistant General Manager,
Bank of Baroda,
Lucknow Regional Office,
Hazaratganj,
Lucknow.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-12012/377/90-I.R.(B-II) dated 25-2-92, has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the Assistant General Manager, Bank of Baroda, Lucknow Zone, in not regularising Sh. Purshottam Narain Sharma as sub-staff with retrospective effect is justified? If not, to what relief the workman is entitled?

2. It is unnecessary to give the details of pleadings as on 9-01-97 workman filed an application for not press if the case. Hence reference is answered against the concerned workman for want of prosecution further he is not entitled for any relief.

30-1-1997

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 19 फरवरी, 1997

का.आ. 569 :— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ बड़ोदा के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपर को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-02-97 को प्राप्त हुआ।

[संख्या एल-12012/381/91/आई.आर.बी.2]

ब्रजमोहन, डेस्क अधिकारी

New Delhi, the 19th February, 1997

S.O. 569.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their

workmen, which was received by the Central Government on 06-02-1997.

[No. L-12012/381/91-IR-B-2]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 35 of 1992

In the matter of dispute :

BETWEEN

Sri Jainendra Singh,

C/o Shri O. P. Nigam,

A/R Avam State UP Adhayaksh,

U.P.E.C.E.C.

295/387, Din Dayal Road,

Asarfabad,

Lucknow.

AND

Asstt. General Manager,

Bank of Baroda,

Lucknow Regional Office,

Hazratganj,

Lucknow.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification no. L-12012/381/91-I.R. (B-2) dated 25-2-92, has referred the following dispute for adjudication to this Tribunal—

“Whether the action of the Assistant General Manager, Bank of Baroda, Lucknow Zone, in not regularising Sh. Jainendra Singh as sub-staff with retrospective effect is justified? If not, to what relief the workman is entitled to?”

2. It is unnecessary to give the details of pleadings as on 9-01-97 workman files application for not press if the case. Hence reference is answered against the concerned workman for want of prosecution further he is not entitled for any relief.

30-1-1997

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 19 फरवरी, 1997

का आ 570 :— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ बड़ोदा के प्रबन्धतंत्र के संबद्ध

नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-02-97 को प्राप्त हुआ था।

[संख्या एल-12012/378/91-आई.आर.बी. 2]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 19th February, 1997

S.O. 570.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workmen, which was received by the Central Government on 6-2-1997.

[No. L-12012/378/91-I.R. B-2]

BRAJ MOHAN, Desk Officer.

ANNEXURE

Before Shri B. K. Srivastava, Presiding Officer,
Central Government Industrial Tribunal cum

Labour Court, Pandu Nagar, Kanpur.

Industrial Dispute No. 32 of 1992

In the matter of dispute between

Shri Raja Ram,

C/o Shri O. P. Nigam,

At Avam State UP Adhayaksh,

U.P.E.C.E.C.

295/387, Din Dayal Road,

Asarabad,

Lucknow

AND

Asstt. General Manager

Bank of Baroda,

Lucknow Regional Officer,

Hazaratganj,

Lucknow.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide Notification No. L-12012/378/91-I.R.B.II dated 25-2-92, has referred the following dispute for adjudication to this Tribunal—

“Whether the action of the Assistant General Manager, Bank of Baroda, Lucknow Zone, in not regularising Sh. Raja Ram as sub-staff with retrospective effect

is justified? If not, to what relief the workman is entitled to?”.

2. It is unnecessary to give the details of pleadings as on 9-1-97 workman filed an application for not pressing the case. Hence reference is answered against the concerned workman for want of prosecution further he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 3 फरवरी, 1997

का० आ० 571.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुंबई पोर्ट ट्रस्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं० 2, मुंबई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3 फरवरी, 1997 को प्राप्त हुआ था।

[सं० एल-31012/10/95-आई० आर० (विवाद) भाग-1]

बी०एम० डेविड, डेस्क अधिकारी

New Delhi, the 3rd February, 1997

S.O. 571.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 2, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bombay Port Trust and their workman, which was received by the Central Government on 3-2-1997.

[No. L-31012/10/95-IR(Misc.) Pt.-I]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 2, MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/23 of 1996

Employers in relation to the Management of Bombay
Port Trust.

AND

Their Workmen

APPEARANCES :

For the Management—Mr. M. B. Anchan, Advocate.

For the Workmen—Mr. Umesh Nabar, Advocate.

Mumbai, dated 17th January, 1997.

AWARD—PART-I

The Government of India, Ministry of Labour by its order No. L-31012/10/95-IR(Misc.) dt. 25-4-96, had referred to the following Industrial Dispute for adjudication :

"Whether the termination of service of Shri Namdeo Ambaji Mahajan, category 'A' Mazdoor/Docks department by the management of Bombay Port Trust is legal and justified? If not, to what relief the workman is entitled to?"

2. Namdeo Ambaji Mahajan was working in second shift from 5 p.m. to 11.30 p.m. on 19-2-82. On that date it being an Ambedkar Jayanti there was a Quawali programme from 11.00 p.m. in dockyard. The worker and his friend Gaikwad attended the same till 3.30 a.m. and decided to catch the first train and left the place. When they reached the gate of their work premises they were stopped by one Lotankar, a police Constable. He made inquiries with them why they are in their work place till late night. Without accepting their explanation he asked them to sit in the police van which was near by and they were taken to Yellow Gate Police station. In that Jeep there were two inspectors by name Kale and Changule. From Yellow gate police station they were again taken back to dock premises where there was a broken container. Two police constables were loading some material in the white Ambassador Car. There were other persons also. At that time the worker and Gaikwad were informed that they have been apprehended for the offence of breaking open the container and looting the goods of the Bombay Port Trust.

3. As the worker was arrested in a criminal case he was immediately suspended pending a criminal trial. The metropolitan magistrate acquitted the worker alongwith other two accused under section 461 read with 114 of the I.P.C. but found guilty under sections 447 and 379 read with Section 114 and sentenced him and others to suffer Rigorous Imprisonment for six months, and a fine. The workman being aggrieved by the said order of conviction and sentence preferred a Criminal appeal before the Sessions Court, Bombay. The sessions court allowed an appeal, set aside the conviction and sentence and remanded the matter for fresh trial de-novo. The Judgment was delivered on 22-11-83.

4. After remand, later on the Metropolitan Magistrate framed a charge-sheet under section 379 framed with section 114 of the I.P.C. and recorded the evidence afresh. At that time the Learned Metropolitan Magistrate recorded the workman and others on 31-10-86. It is averred that the Learned Metropolitan Magistrate observed that no additional evidence could have proved the charges framed against the workman.

5. After the said judgement was passed the Bombay Port Trust set aside the suspension and allowed the workman to resume his duties. On 14-9-87 the management issued a charge-sheet to him for conducting a departmental inquiry for the same charges. He was served with statement of imputations and Annexures alongwith it. It is averred that after the evidence of the management the worker examined his witnesses and thereafter the management again examined S. Kale in support of the charges levelled against him. This act of the management is in violation of the Principles of Natural Justice.

6. The inquiry officer then submitted his report holding that the charges which were levelled against the workman are proved. It is contended that the findings of the inquiry officer are perverse and illegal, inasmuch as he overlooked and rather ignored the findings of the competent court of law recorded after analysing the evidence before it. It is pleaded that the evidence which the competent court of law rejected was accepted by the inquiry officer. It is averred that on the basis of the perverse findings of the inquiry officer the worker was dismissed from the service on 3-7-91.

7. The worker preferred an appeal afresh petition and other representations for setting aside his dismissal. But all of them failed. He therefore raised an Industrial dispute. The worker prayed that the dismissal order passed by the management may be set aside holding that the charges are not proved and he may be reinstated in service with full back wages with all consequential benefits.

8. The management resisted the claim by the written statement Exhibit-5. It is averred that the domestic inquiry which

was held against the workman was as per the Principles of Natural Justice and the findings of the inquiry officer are legal and proper. It is submitted that the criminal proceedings and departmental proceedings are independent proceedings. In the departmental inquiry the inquiry officer can arrive at a different conclusion on the basis of the evidence lead before him. Therefore there cannot be a comparison between the evidence lead before the criminal court and that of the inquiry officer. It is averred that the witnesses are different. It is averred that the inquiry officer rightly came to the conclusion that the charges which were levelled against him are proved. It is submitted that under such circumstances the reference may be answered in favour of the management.

9. The issues are framed at Exhibit-9. The issues Nos. 1 and 2 are treated as a preliminary issues. The issues and my findings thereon are as follows :-

Issues	Findings
1. Whether the domestic inquiry which was held against the workman was against the Principles of Natural Justice?	No.
2. Whether the findings of the Inquiry officer are perverse?	No.

REASONS

10. Namdeo Ambaji Mahajan (Exhibit-8) the worker examined himself to support his case. The management had not lead any oral evidence. The worker was given a charge-sheet (Exhibit-6/1) wherein it was alleged that on 20-2-83 at about 4.15 a.m. the worker and one Gaikwad category 'A' mazdoor were caught red handed alongwith five others when they were stealing goods worth Rs. 9,50,000 from the Port Trust custody from a container bearing No. CMMU-2368559 (2) at 7. Warehouse P&V Docks and loading the goods in a dicky of an Ambassador Car bearing No. MMH-4390. It was a major misconduct. He gave a reply to the charge-sheet which is at Exhibit 6/19. S. S. Lad was appointed as the inquiry officer.

11. So far as the testimony of Mahajan concerned he had not affirmed regarding the infirmity in the domestic inquiry. In his cross-examination he admits that the charge-sheet was explained to him in Marathi. His representative cross-examined all the witnesses of the management. He gave a statement before the inquiry officer who also admits the fact that after the completion of the inquiry he was given a show cause notice by the disciplinary authority. He also received the inquiry report and had given a reply to the said show cause notice. From his testimony it reveals that there was no difficulty so far as the conduct of the inquiry is concerned. The inquiry proceedings are of Exhibit-6. Pages 20 to 41. After perusal of the inquiry proceedings I do not find that the conduct of the inquiry was against the Principles of Natural Justice.

12. In the statement of claim there is an averment to the effect that the management examined its witnesses and thereafter the workman examined himself and one Gaikwad. But in the cross-examination Mahajan denied to have examined Gaikwad as his witness. He alleged in the statement of claim that after his examination the management examined Kale, P.S.I. to support the charges. According to him that was against the Principles of Natural Justice but he has not affirmed to that effect. Then for the sake of argument if it is said that it was done. Now it is to be seen whether a prejudice is caused to the worker. Nothing is brought on the record to show that some prejudice was caused due to such an examination. There is no strict procedure so far as the domestic inquiry is concerned. The anxiety is that the party should get full opportunity to represent their case. It is always seen that one should not feel that he is not allowed to lead evidence, that was not allowed to cross-examine the witnesses which were examined by adverse party. I therefore find that no illegality was committed by the management while conducting a domestic inquiry. In other words it has to be said that the domestic inquiry which was held against the workman was as per the principles of Natural Justice.

13. Mr. Nabar, the Learned Advocate for the worker argued that the worker was acquitted by the law courts. It is observed by the Metropolitan Magistrate that no additional evidence would have been proved the charges against the workman. Under such circumstances according to him the inquiry officer should have taken into consideration these aspects and would have come to the conclusion that the charges which are levelled against the workman are not proved. Mr. Anchan, the Learned Advocate for the management argued that the evidence in a domestic inquiry and in a criminal proceeding is quite different. The proof required in a criminal case is much higher than that in a domestic inquiry. He submitted that in a domestic inquiry it is to be seen whether on preponderance of probabilities the charges are proved or not. On this back ground it is to be seen whether the findings of the inquiry officer are perverse.

14. Mr. Lad, the inquiry officer had given a detailed report in respect of the evidence lead before him. I find that the reasons given by him for his findings are logical and based on the evidence before him.

15. It is not in dispute that on 7-11-84 a charge-sheet was filed against the workman and some others. It had a prosecution case No. 52/P 1984. In that case the prosecution examined Dudani, P.S.I., Shrirang Shiva, Police Constable, Dalvi and Singh B.P.I. Watchmen and one Cherian the Learned Metropolitan Magistrate acquitted the accused under section 461 read with section 114 of the I.P.C. but found guilty under sections 447, 379 read with 114 of the I.P.C. and convicted and sentenced them. In that case P.S.I. Kale was not examined.

16. Being aggrieved by the conviction and sentence passed in that case the workman and others preferred an appeal before the sessions courts, Bombay. The sessions Judge allowed the appeal, set aside the conviction and sentence and remanded the matter back for retrial. He asked the Metropolitan Magistrate to frame the charge again and allowed the parties to lead evidence.

17. After remand the Learned Metropolitan Magistrate heard the matter and delivered the judgment on 31-10-96 (Exhibit-7/4). He acquitted the workman and others. Mr. Nabar, the Learned Advocate for the worker submitted that the Learned Magistrate have observed that no further evidence would have been proved the case against the worker. It can be seen that in this judgment there is no Hon'ble acquittal. It is observed that the prosecution witness No. 1 is completely misidentified the accused that is worker and witness No. 2 has given a different version. He had further observed that the Learned A.P.P. was helpless and therefore he was fair enough to close the case without any further evidence which might have given still worst against the prosecution. This observation does not help the worker. It is further seen that while acquitting the accused including the workman it is observed by the Learned Magistrate that taking into consideration the contradictions of PW1 in the evidence and the evidence of PW2 he came to the conclusion that the prosecution failed to bring home the guilt of the accused and therefore he acquitted him. Under such circumstances the ratio given in Jayant Bhaskar Sawant and the Board of Trustees of the Port of Bombay and others 1994 IICR 737 has no application. In that authority his Lordships has observed that when there is a honourable acquittal it has to be taken into consideration in departmental inquiry. For the reasons stated above it can be seen that there is no honourable acquittal. It can be further seen that what Their Lordship observed that the inquiry officer should have taken into consideration the findings given by the Magistrate. Here the inquiry officer did consider the Judgment of the Learned Magistrate and had come to the different conclusion. In law he has right to do so.

18. The inquiry officer marshalled the evidence which was before him and rightly came to the conclusion that the charges which were levelled against the workman are proved. It can be further seen that the set of witnesses which were in a criminal case and in a domestic inquiry are different. Different in the sense in the domestic inquiry the management had examined additional witnesses viz. P.S.I. Kale. While appreciating the testimonies the inquiry officer had given its logical reasons for coming to a particular conclusion. I may repeat that the evidence which is required in a criminal

case is quite different than the evidence in a domestic inquiry.

19. In the domestic inquiry the management examined Dudani, Dalvi, Cherian, Chougule, Lotankar and Kale. After going through their testimony it reveals that the evidence is sufficient for coming to the conclusion that the charges which were levelled against the workmen are proved. Infact the workman has to show how the findings of the inquiry officer are perverse. On the basis of the evidence which was led in the domestic inquiry it appears that main contention of Mr. Nabar, the Learned Advocate for the workman is that he was acquitted in a criminal case and he is entitled to get benefit of the same. No doubt to get benefit in the sense that the inquiry officer had to consider the judgment of a criminal court while considering the other evidence. Here the inquiry officer had done so and come to the conclusion that the evidence before him is sufficient for coming to the conclusion that the charges are proved. I endorse that view. In the result I record my findings on the points accordingly and pass the following order:

ORDER

The domestic inquiry which was held against the workman was as per the Principles of Natural Justice
The findings of the inquiry officer are not perverse.

S. B. PANSE, Presiding Officer

नई दिल्ली, 4 फरवरी, 1997

कां० आ० 572.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसर्ग में, केन्द्रीय सरकार एम० सी० सी० एल० के प्रबंधन के संबद्ध निरीक्षकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31 जनवरी, 1997 को प्राप्त हुआ था।

[सं० एल-22012/66/90-आई०आर० (सी-II)]

बी०एम० डेविड, डेस्क अधिकारी

New Delhi, the 4th February, 1997

S.O. 572.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workman, which was received by the Central Government on 31-1-1997.

[No. L-22012/66-90-IR (C-II)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-1 AT
HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I.

Dated, 27th day of December, 1996

Industrial Dispute No. 52 of 1990

BETWEEN

Shri Syed Jani S/o Shri Syed Raza

C/o Nazeer General Store, Station Road,

PO, Mancherla 504208, Dist. Adilabad (AP)

..Petitioner

AND

The General Manager (Project),
Ramagundam Division, S.C. Co. Ltd.,
PO : Godavarikhani 505209,
Distt. Karimnagar (AP) . . . Respondent

APPEARANCES :

Sri G. Ravi Mohan, Advocate—for the Petitioner.
M/s. K. Srinivasa Murthy and G. Sudha, Advocates—
for the Respondent.

AWARD

The Government of India, Ministry of Labour, New Delhi by its Order No. L-22012/66/90-IR (C-II) dated 9-7-1990 and Corrigendum dated 20-8-1990, referred to this Tribunal under Section 10(1)(d) and (2-A) of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its Schedule which reads as follows :

"Whether the refusal of the management of M/s. Singareni Collieries Co. Ltd., Project Area, Ramagundam Division, PO : Godavarikhani, Distt. Karimnagar (AP) in reemploying Shri Syed Jani, Ex. Boring Mazdoor, Prospecting Department as a Badli Filler is justified? If not, to what relief and from what date, the workman is entitled?"

The said reference has been taken on file and a notice was issued to both parties.

2. The workman (hereinafter called as 'Petitioner') filed a Claim Statement with the following contention :—

The petitioner was appointed as Boring Mazdoor on 7-4-1964 in the respondent-company at Bellampalli. In the year 1966, he was deputed to Godavarikhani as Drilling Mazdoor, and he fell sick in March 1983 and absent from duty from 20-3-1982 to 12-7-1983 (there are some mistakes in typing the dates). The Petitioner was treated by Dr. M. Nageswara Rao at Mancherial. After recovering from illness, he reported to Dy. Superintendent, Geologist. The concerned Officer instead of taking the petitioner into duty, has referred him to the Superintendent Area Hospital, Godavarikhani. He again fell sick and took treatment in Government Headquarters Hospital, Karimnagar from 16-7-1982 to 20-2-1983. On 20-2-1983 he was given a fitness certificate to resume duty alongwith the fitness certificate. When he approached the management, he was informed orally of his dismissal from service. The petitioner approached the Conciliation Officer and there was a settlement arrived at on 4-5-1983 under Section 12(3) of I. D. Act. The Management agreed to re-employ the petitioner as Badli Filler on humanitarian grounds, from 22-5-1983 and the petitioner assured that he would be punctual and regular in attendance. In pursuance of the settlement, the petitioner reported for duty but he was not taken into service. He approached the Conciliation Officer again and the Conciliation Officer sent failure report on 3-11-1990. There was a subsequent settlement between the Management and the Union with regard to other employees who remained absent unauthorisedly. Their cases were considered sympathetically. The petitioner was not reinstated. Hence an Award may be passed directing the respondent to re-employ the petitioner as Badli Filler from 4-5-1983.

3. The respondent filed a counter contending as follows :

The petitioner was initially appointed at Bellampalli in the year 1964 and later on he was posted to Godavarikhani to work in Prospecting Department in the year 1976. The petitioner is a permanent employee and he is fully aware of the leave Rules. He can take treatment from the Area Hospital at Godavarikhani when he fell sick. He should have to apply for sick leave, but he has not chosen to do so and simply remained absent from 12-3-1982 onwards. The respondent-Management waited for eight months

and sent charge sheet to the last known address which was returned and then the paper publication was made on 30-1-1983 in the daily newspaper 'Andhra Patrika' calling upon the petitioner to attend the enquiry on 11-2-1983. The petitioner did not participate in the enquiry on 11-2-1983 but he made a representation on 1-3-1983 alleging that he was sick and took treatment in the Government Hospital at Karimnagar from 16-7-1982 to 20-2-1983. He was directed to appear before the Superintendent, Area Hospital of the Company for certification of his fitness to resume duty. The petitioner did not appear before the Area Hospital. He was dismissed from service on 20-4-1983 as per the Company's Standing Order 16(16). When the petitioner moved Conciliation and produced a Chit issued by the Government Hospital, Karimnagar, the respondent agreed to re-employ the petitioner as Badli Filler in any one of the mines at Godavarikhani on himself giving an application from 22-5-1983. But the petitioner did not give any application and he kept quiet for 5 years. On a representation dated 30-12-1988, the Conciliation Proceedings were started. This is a stale claim. The respondent engaged more than 1,00,000 employees and there is a 30 to 40% absenteeism unauthorisedly. It would cause loss to the Respondent Company as well Industries that are running by the Coal supplied by the Respondent-Company. Therefore the petitioner is not entitled to any relief.

4. The respondent filed the record of enquiry into this Tribunal and examined the Enquiry Officer as WW-1 and marked Exs. M-1 to M-7 to prove the domestic enquiry. He was not cross-examined by the petitioner's counsel. The case underwent several adjournment. The petitioner's counsel did not appear in this Tribunal on many a occasion. Ultimately this Tribunal took written arguments and passed an Award on 1-6-1994. The petitioner filed a petition J.A. No. 187/94 to set aside the said Award and it was allowed on 9-9-1996. The petitioner's counsel filed a Memo on 11-9-96 that he is not disputing the domestic enquiry and the documents marked and orders may be passed under Section 11-A of I. D. Act. Therefore the documents are marked Exs. M-1 to M-8 and both the parties are heard.

5. The point for consideration is whether the petitioner is entitled to reinstatement as Badli Filler?

6. POINT—The Petitioner was admittedly appointed as Boring Mazdoor in 1964 at Bellampalli and he was deputed to Godavarikhani as Drilling Mazdoor in Prospecting Department in the year 1976 and he continued to work as such upto April, 1983. The petitioner abstained from duty on 12-3-1982 onwards. The Respondent-Management waited till 1-12-1982 and sent Ex. M-1 notice calling upon him to report for duty. He did not report for duty. Then the enquiry was ordered. The enquiry notice was also published in the Newspaper calling upon the petitioner to report for enquiry 11-2-1983. He did not participate in the enquiry as spoken to by Sri M. Ramulu Mazdoor as per Ex. M-3. The absence of the petitioner from duty was spoken to by K. Ravinder, Clerk as per Ex. M-4 and M. Basavachari Sr. Geologist of the Prospecting Department as per Ex. M-5. The Enquiry Officer submitted Ex. M-6 Report dated 8-4-1983 holding the charge is proved.

7. The documents are not filed in this Criminal to prove that the petitioner fell sick in the month of March, 1983. The petitioner was also asked to appear before the Area Hospital, situated at Godavarikhani. The petitioner did not appear before the Superintendent of the said Hospital. So he was dismissed from service as per Ex. M-7 dated 18-4-1983.

8. The learned Advocate for the petitioner argues much about sickness of the petitioner and the petitioner submitting medical certificate. The point as to whether the petitioner was justified from absents from duty is not at all relevant in this reference. This reference is not with regard to the justification of the dismissal on 18-4-1983, when the petitioner was dismissed from service he moved for conciliation and there was settlement under Section 12(3) of the I. D. Act, between him and the Respondent-Management in the presence of Asst. Labour Commissioner

(Central) as per Ex. M-8. The said settlement dated 4-5-1983 reads as follows :

1. Management has agreed to re-employed Sri Syed Jani as a Badli Filler in any one of the Mines at GDK, on his submission of an application purely on humanitarian ground with effect from 22-5-1983.
 2. Workman has assured to be punctual/regular in attendance in future.
 3. Both the parties agreed to submit the implementation report latest by 15-6-83 failing which the settlement shall be treated to have been implemented.
9. The point to be decided in this reference is whether the petitioner gave an application for appointment as Badli Filler and whether the respondent refused to re-employ him as per the settlement?
10. The petitioner pleads in his claims statement at para 3:

"..... In pursuance of the settlement, the petitioner reported for duty but he was not taken into service. Although the petitioner approached the Management, he was not taken into service. The action of the Management in not taking me into service, is illegal. Having no other alternative remedy, the petitioner made an application to the Conciliation Officer."

11. As per the Ex. M-8 settlement, the petitioner has to give an application for appointing him as Badli Filler and he would be appointed with effect from 22-5-1983. The petitioner does not plead in his claim statement that he gave an application. He has only stated as extracted above that 'he reported for duty and that he was not taken into service'. He did not examine himself in this Tribunal to speak that he gave an application and that he has not appointed as Badli Filler. There was absolutely no proof that he gave the application and in spite of the application, the respondent-Management did not appoint him in violation of the Settlement. For the foregoing reasons, the petitioner failed to prove that he performed his part of the settlement.

12. In the result, an Award is passed holding that the petitioner-workman is not entitled to any relief.

Dictated to the Steno-typist, transcribed by him and given under my hand and the seal of this Tribunal this the 27th day of December, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I.

Appendix of Evidence

Before the domestic enquiry Witnesses examined for
Witnesses examined for petitioner :
Management :

MW-1—N. Srirama Murthy. NIL

After Enquiry : NIL NIL

Documents marked for the Management (on merits)

- Ex. M-1—Letter dated 1-12-1982 addressed to the Petitioner directing him to report for duty.
- Ex. M-2—Enquiry Proceedings dated 11-2-83.
- Ex. M-3—Statement of Sri M. Ramulu in the domestic enquiry.
- Ex. M-4—Statement of Sri K. Ravinder in the domestic enquiry.
- Ex. M-5—Statement of Sri M. Basavachari in the domestic enquiry.
- Ex. M-6—Enquiry Report dated 8-4-83.
- Ex. M-7—Dismissal order dated 18-4-83 issued to the workman.

Ex. M-8—Memorandum of Settlement dated 4-5-1983 under Section 12(3) of I. D. Act.

Documents marked for the Petitioner

NIL

INDUSTRIAL TRIBUNAL—I, HYD.

नई दिल्ली, 4 फरवरी, 1997

का० आ० 573.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस० सी० सी० एल० के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31 जनवरी, 1997 को प्राप्त हुआ था।

[सं० एन-22012/94/93-आई आर० (सी-II)]

बी० एस० डेविड, डेस्क अधिकारी

New Delhi, the 4th February, 1997

S.O. 573.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workman, which was received by the Central Government on 31-1-1997.

[No. L-22012/94/93-IR (C-II)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT
HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I.
Dated, 27th day of December, 1996

Industrial Dispute No. 42 of 1993

BETWEEN

The Vice President, Singareni Miners and Engineering Workers Union (BMS) H. No. SD/49, Srirampur Colony, Srirampur 504303, Dist. Adilabad (AP) . . . Petitioner

AND

The General Manager, S.C. Co. Ltd., Srirampur Area, Dist. Adilabad Pin-504303 (AP). . . Respondent.

APPEARANCES :

S/Sri S. Bharath Kumar and N. Narsimha Rao, Advocates—for the Petitioner.

M/s. K. Srinivasa Murthy and G. Sudha, Advocates—for the Respondent.

AWARD

The Government of India, Ministry of Labour, New Delhi by its Order No. L-22012/94/93-IR (C-II) dated 12-11-1993 referred to this Tribunal under Section 10(1)(d) and (2-A) of Industrial Disputes Act, 1947 for adjudication of industrial dispute mentioned in its Schedule which reads as follows :

"Whether the action of the management of M/s. S.C.C. Ltd., Srirampur (P) Area in denying promotion to Sri P. Rajeshwar Rao, Welder Cat. 5, Area Work-shed, SRP (P), Area to Cat. 6 is legal and justified? If not, to what relief the concerned workman is entitled to?"

The said reference has been taken on file and a notice was issued to both parties.

2. The Vice President of the Union filed a Claim Statement contending as follows :

The workman P. Rajeshwar Rao hereinafter called as 'Petitioner' has been working as Category V Welder in Srirampur Area Workshop. Category VI Welder Post is available in the workshop only. Category VI Welder in the workshop is a post coupled with high skilled and knowledge of various types of Welding that include brazing (Brass Welding) Aluminium Welding, gas welding, welding in Tub making, copper welding, welding in high range fabrication and cutting of thick metals with gas etc. This type of work will not be available in the Mines. The welders of Categories IV and V in the Mines, execute the works like Arch Welding, Tub repairing and small gas cutting works. The post of Category VI welder has to be created for every 6 welders of Category IV and V as per the Settlement dated 24-4-1976. The post of Category VI Welder has to be filled by way of promotion from the Category V of the Unit. There was a vacancy of Category VI Welder on 15-12-1989 in SRP Workshop. The petitioner was appointed as Category V Welder w.e.f. 20-4-1983 and completed 5 years service in the year 1988. The petitioner has been officiating as Category VI Welder since 1-4-1989. As he was not paid officiating allowance, he made a representation under grievance procedure in November, 1991. The Union also made representation on 21-12-1991. When the Conciliation was pending the respondent illegally conducted a test and promoted Sri Ch. Koteswara Rao to the post of Category VI Welder in SRP Area workshop with effect from 1-9-1992, though junior to the petitioner. This Ch. Koteswara Rao has no experience or the skills and expertise which is required for Category VI Welder in Workshop. He has secured lesser marks than the petitioner in the written test and performance. The petitioner worked as officiating Category VI welder for about 3 years. The promotion of Sri Ch. Koteswara Rao is illegal and the petitioner is entitled for promotion.

3. The respondent filed a counter contending as follows :

The Joint Bipartite Committee for Coal Industry (J.B.C.C.I.) gave the nomenclature job description and categorisation of employees working in the coal mines all over India and the said J.B.C.C.I. recommendations are binding on both the parties. The Categories V and VI are skilled senior job and not an automatic promotion. The Category VI post is a selection post. The job description of Category V and VI is as follows :

CATEGORY—V (SKILLED SENIOR)

17. "Welder (Grade-II (W)).—A workman capable of handling both electric and acetylene welding plants, and having an adequate knowledge of the preparations required for different types of jobs, as also an adequate knowledge of the materials required but being a man of less skill/experience than a Grade-I Welder".

CATEGORY VI (Highly skilled)

14. "Welder Grade-I (W).—A workman who can handle both electric welding and acetylene welding plants and who has a good knowledge of the preparations required for special types of jobs as also a thorough knowledge of the materials required. He must be capable of working independently."

The posts of Welders in Workshop and Mine are inter-transferable. They have every knowledge of the job of welder. The welder of Category VI will have good skill by dint of his experience. The promotions are given in Bellampalli region and Srirampur is within the purview of Bellampalli Area. The Welders working in the post of Category V either in the workshop or in the Mine and having 5 years experience is eligible to apply for Category VI selection post. The examination and interview were conducted

and the candidates were selected. Both the petitioner and Ch. Koteswara Rao were appointed in the Category V posts on 20-4-1983. The Category VI post is a selection post and cannot be claimed as matter of seniority. The petitioner did not appear for the test conducted in 1990 for Bellampalli Region and has forgone his promotion opportunity. The Management followed the Settlement dated 14-7-90 and conducted the examination again. The conciliation proceedings were started on 25-1-1992 on an application dated 24-12-1991 made by the Union after the examination process was initiated on 9-11-1991. The selection was completed and Ch. Koteswara Rao was appointed by an Office Order dated 14-1-92 with effect from 1-9-1991, whereas the Conciliation Officer fixed the meeting on 25-1-1992. Mr. Koteswara Rao got more marks than the petitioner in all the tests and so he was selected. The petition is liable to be dismissed.

4. The Petitioner-workman examined himself as WW-1 and Vice President of the Union is examined as WW-2. They filed Exs. W-1 to W-21. The Sr. Personnel Officer is examined as MW-1 and Sr. Divl. Engineer who is one of the member of the D.P.C. is examined as MW-2. They filed Exs. M-1 to M-6.

5. The point for consideration is whether Sri P. Rajeswara Rao is entitled to promotion as Category VI Welder in the place of Sri Ch. Koteswara Rao from 1-9-1991 ?

6. POINT.—Sri P. Rajeswara Rao appears to have had experience as an Apprentice more than once. Ex. W-15 dated 24-12-1981 reads that he was an Ex-Apprentice Welder and was allowed to continue for a period of 6 months on a stipend of Rs. 200 P.M. and he was to be paid a stipend of Rs. 350 P.M. if he passed the departmental examination. It is not known whether Ch. Koteswara Rao also had similar experience. Mr. P. Rajeswara Rao was appointed as Apprentice alongwith 5 others for a period of one year from 5-3-1982 on stipend of Rs. 350 per month. They were already on the rolls of the company. Ex. W-16 is the copy of Ex. W-1 and they are dated 25-3-1982. Mr. Rajeswara Rao and others were put in Category IV Ex. W-17 is a similar order given to Ch. Koteswara Rao and 10 others on the same day. Thus both were appointed in Category IV posts on the same day. The petitioner P. Rajeswara Rao filed Ex. W-3 stating that he was promoted to Category V by Ex. W-2. Himself and Mr. Koteswara Rao were appointed to Category IV only by its Order dated 24-4-1983 as per Ex. W-2 on regular basis after completion of apprenticeship period and put on probation. Ex. M-5 is a copy of Ex. W-2. The petitioner filed Ex. W-3 stating that he was promoted to the Category V by this order. This is only a letter from Addl. C.M.E. SRP to the Sr. D.E. SRP forwarding the basic pay fixation proposal in Category V as per Circular dated 4-4-1984. Anyway it is admitted by both the parties that both petitioner as well as Koteswara Rao were promoted to Category V on the same day.

7. Ch. Koteswara Rao was promoted to Category VI by Ex. W-8 order dated 14-1-1992. It is assailed by the Petitioner P. Rajeswara Rao on the following grounds :

- (i) He is senior to Mr. Koteswara Rao.
- (ii) He is more experienced in welding and has been working in the workshop, whereas Mr. Koteswara Rao was working in the Mine.
- (iii) The test conducted by the Management is illegal as it was conducted during the conciliation proceedings and also it was conducted in one Branch only.

8. The argument that the petitioner is senior to Mr. Koteswara Rao is incorrect as they were taken as apprentices and promoted to Category IV posts on the same duty. The second argument that the petitioner is more experienced in the methods of welding, may be correct, but it is no ground for promotion.

9. The last argument is that the test was conducted illegally also falls to the ground for the following reasons. There were settlements under Section 12(3) of the I. D. Act between the Management and the Union on 3-3-1989 and 14-7-90. Exs. M-2 and M-3 are the said settlements. Clause 6(ii) of the Settlement dated 3-3-89 Ex. M-2 reads that "the promotion of Tradesmen will be on region-wise seniority upto Grade B/Excavation Group and on Company-

wise seniority beyond Grade-B/Excavation Group B. The Annexure of its Settlement deals with different grades. Clause (v) under the subject 'Welders and Moulders' at Page No. 9 of Annexure-I reads that "Welders and Moulders in Cat. V with 5 years service will be considered for promotion to Cat. VI based on the availability of vacancies and a Trade Test." Ex. M-3 the second settlement dated 14-7-1990 reads that the test was partly conducted in 1989 and the Union boycotted the test when the practical test was conducted. So it was agreed on 14-7-1990 that the Tradesmen in Category V who did not appear for trade test for promotion to Category VI posts against the vacancies of Bellampalli Region will be permitted for the test again for filling up the vacancies in Cat. VI. The persons who were upgraded to Cat. VI (SLO) at Bellampalli Region also will be given an opportunity in the Trade Test to consider them for promotion to regular vacancies of Cat. VI." The petitioner is one of the Trade Union leaders who boycotted the test earlier.

INTERVIEW FOR THE POST OF WELDER VI CAT. SRP

Sl. No.	Name (S/Shri)	Written test - 30 marks	Job knowledge - 5 marks	Experience - 10 marks	Personality Aptitude & Gen. Health Marks = 15	Practical Test Marks = 15	Assessment Marks = 25	TTI 100
01.	SRP-2 20-4-83 Ch. Koteswara Rao	18½	2	8	12	12	23	75½
02.	W/s 20-4-83 P. Rajeswara Rao	13½	4	8	12	11	22	70½

When the marks got by each of them in every test are added, the petitioner got 70½ marks whereas Ch. Koteswara Rao got marks 75½. Naturally Koteswara Rao got 5 marks more than the petitioner should be appointed.

12. There is no merit in the argument that the examination was conducted and appointment was made during the pendency of conciliation proceedings. The application from the qualified candidates were called for on 9-11-1991 as can be seen from Ex. M1. The test was conducted on 9-1-1992. The promotion order was given on 14-1-1992. On the other hand the union gave application to the Conciliation Officer on 24-12-1991. The first meeting was fixed on 25-1-1992. By then the examination was conducted and promotion was made. So there is no merit in his contention raised by the petitioner.

13. The petitioner filed No. of documents to prove that he is the union leader and also No. of representations made by him. He failed to prove that he was victimised due to his union activities. When the promotion to the post of Category VI Welder is not given on the basis of seniority alone the number of representations made by him is only useless exercise.

14. In the above circumstances, an Award is passed holding that the petitioner Mr. P. Rajeswara Rao is not entitled to any relief.

Dictated to the Steno-trust, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal this the 27th day of December, 1996.

V. V. RAGHAVAN, Industrial Tribunal

APPENDIX

Appendix of evidence

Witnesses examined for Petitioner :

W.W.1 P. Rajeswara

W.W.2 D. Sita Rama Reddy.

Witness examined for Respondent :

M.W.1 I. A. S. R. Neelakanta Roy

M.W.2 D. Srinanarayana.

Documents marked for the Petitioner

371 GI/97-13,

10. Even as per the Ex. W18 letter dt. 27-7-1990 written by the General Manager (Personnel) to the Chief General Manager (P) of the concerned areas a selection committee was constituted. It was mentioned that the promotion should be based on seniority-cum-merit in substantive post. The General Manager also stipulated the written test, practical test and Assessment Report carrying 20 marks, 50 marks and 30 marks respectively.

11. The Management conducted a test as per the above guide lines and Ex. M1 is a note approved by CPM. SRP(P) for conducting the test to six welders. The petitioner and Mr. Ch. Koteswara Rao were also the candidates. It reads that the applications were called on 9-11-1991. In pursuance of the same the examination was conducted. The petitioner and his rival Koteswara Rao got the marks as follows : as per Ex. M1 Statement.

Ex. W1. Office Order No. DS/Trg/4.14/82/199 dt. 24/25-3-82 appointing the petitioner and others as apprentices.

Ex. W2. Office Order No. ACME/Trg/4.16/83/303 dt. 24-4-83 appointing the petitioner and Ch. Koteswara to work in the Trade of Welder on Category IV w.e.f. 20-4-1983.

Ex. W3. Xerox copy of the Lr. No. P/SRP/8/SD/84/510 dt. 23-7-84 forwarding the Basic Pay fixation proposal in Cat. V.

Ex. W4. Xerox copy of Pay Slips of the petitioner for the period from 8/91 to 12/92.

Ex. W5. Xerox copy of representation dt. 14-11-1991 to the Divl. Engineer by the petitioner to arrange payment of officiating allowance w.e.f. 1-4-1989.

Ex. W6. Xerox copy of representation dt. 19-11-1991 to the Sr. Divl. Engineer by the petitioner to arrange payment of officiating allowance w.e.f. 10-4-89.

Ex. W7. Xerox copy of representation dt. 28-11-91 to the General Manager, Srirampur by the petitioner to arrange payment of officiating allowance w.e.f. 1-4-89.

Ex. W8. Xerox copy of Office Order No. SRP(P)/P(PM) 2-B/92/133 dt. 14-1-92 promoting Sri Ch. Koteswara Rao as Welder Category V from 1-9-1991.

Ex. W9. Letter dt. 24-12-1991 of the Union to the Asst. Labour Commissioner (C) Mancherial to declare the conciliation proceedings at an early date to promote the petitioner.

Ex. W10. Office Order No. SRP(P)/P(PM)/2-B/93/931 dt. 28-4-93 directing the petitioner to report to D.E. Area Workshop SRP(P) for work and placement.

Ex. W11. Minutes of discussions held on 17-9-93.

Ex. W12. Notice No. AWS SRP/13/92/610 dt. 9-7-92 of Divl. Engineer Area Workshop giving the name of the petitioner as representative.

Ex. W13. Memorandum of settlement arrived under Sec 12(3) of the I.D. Act. on 17-9-93.

Ex. W14. Xerox copy of Minutes of the conciliation proceedings held on 28-10-1992.

- Ex. W-15. Letter No. DS/Trg/41/81/424 dt. 24-12-81 of the Divl. Engineer (Trg) to the Petitioner to report to SME Ravindra Khani No. 7 Incline for work and placement.
- Ex. W16. Xerox copy of office order No. DS/Trg/4.14/82/199 dt. 24/25-3-82 appointing the petitioner and others as apprentices.
- Ex. W17. Xerox copy of office order No. DS/Trg/4.14/82/197 dt. 24/25-3-82 appointing Sri Ch. Koteswar and others as apprentices.
- Ex. W18. Letter No. P/(PM)/3369/2121 dt. 27-7-90 of G. M. (Personnel) to the Chief GM(P) and others about constituting the selection committee and giving the marks to be awarded.
- Ex. W19. Xerox copy of Circular No. P. 48/4257/1292 dt. 5-6-85 of Chairman & Managing Director, S.C. Co. Ltd., regarding the grievance procedure.
- Ex. W20. Xerox copy of Office Order No. P/SRP(P)/2.B/91/3702 dt. 18-6-91 promoting 27 Filters in Cat. V to Cat. VI.
- Ex. W21. Xerox copy of Letter No. SRP(P)/P/(IR)/16.A/94/2987 dt. 21-11-1994 of the General Manager to Chief Vice President and Vice President of the union regarding the promotions will be ordered strictly as per Circular dt. 14-6-93.

Documents marked for the Respondent

- Ex. M1. Note No. P/SRP(P)/2-B/91 dt. 21-12-91 constituting the selection committee to conduct the Test and Interview on 9-1-1992.
- Ex. M2. Memorandum of Settlement together with the Annexure I to III arrived on 3-3-89.
- Ex. M3. Memorandum of Settlement arrived on 14-7-90.
- Ex. M4. Statement showing the marks awarded in the Test and Interview for the post of Welder VI Cat.
- Ex. M5. Xerox copy of Office Order No. ACME/Trg./4.16/83/303 dt. 24-4-83 appointing the petitioner and Koteswar to work in the trade of Welder Cat. IV.
- Ex. M6. Office Order No. P/RKP/15A/91/3362 dt. 4-11-1991 with regard to 17 tradesmen in Category VI are drafted to Category VI w.e.f. 1-3-1991.

नई दिल्ली, 5 फरवरी, 1997

कां० 574.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार ई०सी०एल० के प्रबन्धन के संबंध में नियंत्रकों और उनके कर्मचारियों के बीच, अन्वय में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-2-97 को प्राप्त हुआ था।

[सं० एल-22012/48/95-आई आर (सी-II)]

बी०एम० डेविड, डेस्क अधिकारी

New Delhi, the 5th February, 1997

S.O. 574.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award

of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of E.C. Ltd., and their workman, which was received by the Central Government on 4-2-97.

[No. L-22012/48/95-IR-C-II]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 40/95

PRESENT :

Shri R. S. Mishra, Presiding Officer

PARTIES :

Employers in relation to the management of Kumardihi 'A' Colliery of M/s. E.C. Ltd.

AND

Their Workmen

APPEARANCES :

For the Employer—Sri P. K. Das, Advocate

For the Workmen—None.

INDUSTRY : Coal STATE : West Bengal

Dated the 16th January, 1997

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/48/95-IR(C.II), dated 25-8-95.

SCHEDULE

"Whether the action of the management of Kumardihi 'A' Colliery under Bankola Area of M/s. E.C.L. in dismissing Sh. Adhikant Mahankura, Ex. Underground Loader is legal and justified? If not, to what relief the concerned workman is entitled to?

2. The union does not file Written Statement and does not take any other step. Apparently not interested in the dispute.

3. Hence 'No Dispute Award' is passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 5 फरवरी, 1997

कां.आं. 575.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-2-97 को प्राप्त हुआ था।

[सं. एल-22012/91/95-आई आर (सी-II)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 5th February, 1997

S.O. 575.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of E.C. Ltd. and their workman, which was received by the Central Government on the 4-2-97.

[No. L-22012/91/95-IR (C-II)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 60/95

PRESENT:

Shri R. S. Mishra, Presiding Officer.

PARTIES:

Employers in relation to the management of New Kenda Colliery of M/s. E.C. Ltd.,

AND

Their Workmen

APPEARANCES:

For the Employer—Sri P. K. Das, Advocate.

For the Workmen—None.

INDUSTRY : Coal. STATE : West Bengal.

Dated the 16th January, 1997

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/91/95-IR(C.II) dated 31-10-95.

SCHEDULE

"Whether the action of the management of New Kenda Colliery under Kenda Area PO:

Bahula, Distt. Burdwan (WB) in dismissing Sh. Sindhu Swain, Ex-underground loader with effect from 11-1-91 is justified? If not, to what relief is the concerned workman entitled?"

2. The union does not file Written Statement and does not take any other step. Apparently not interested in the dispute.

3. Hence 'No Dispute Award' is passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 6 फरवरी, 1997

कां.आं. 576.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू सी एल के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निहित औद्योगिक विवाद में श्री एम.एम. मिश्रा के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-2-97 को प्राप्त हुआ था।

[सं. एल-22025/6/92-आई आर (सी-II)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 6th February, 1997

S.O. 576.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Arbitrator Shri S. S. Mishra as shown in the Annexure, in the industrial dispute between the employers in relation to the management of W.C. Ltd. and their workman, which was received by the Central Government on 5-2-1997.

[No. L-22025/6/92-IR (C. II)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE SHRI S. S. MISHRA, DEPUTY CHIEF PERSONNEL MANAGER (WCL) RETIRED & ARBITRATOR UNDER THE INDUSTRIAL DISPUTES ACT, 1947 AT NAGPUR

Reference No. 1 of 1993.

In the matter of :—

Industrial Dispute between the Management of Kanhan Area of WCL and their workmen represented by S.K.M.S. (AITUC) P.O. Chandametta regarding dismissal/termination of the services of S/Shri Saheb-lal son of Nandoo and 5 other workmen on grounds of misconducts.

APPEARANCES :

On behalf of Employers : Shri D. Mewar, Dy. Chief Personnel Manager, WCL, Kanhan Area.

Later on : Shri M. M. Chandok, Personnel Manager, WCL, Kanhan Area.

On behalf of Workmen : Shri P. K. Banerjee,
General Secretary, S.K.M.S. (AITUC),
Chandametta.

STATE : Madhya Pradesh. INDUSTRY : Coal.

AWARD

(Delivered on 28th day of April, 1996)

The Management of Western Coalfields Limited, Kanhan Area, P.O. Dongaria and the Samyukta Khadan Mazdoor Sangh (AITUC), P.O. Chandametta signed an arbitration settlement on 7-9-1992 agreeing to refer the following dispute for my arbitration and approached me for my consent. On getting the consent they forwarded the same to the Secretary, Govt. of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), New Delhi, vide Kanhan Area Management's Letter No. PM/12/92/2072 dated 8-9-1992. The Desk Officer informed the release of the same for publication as required under the relevant provisions of the I.D. Act, 1947 and rules made thereunder, vide his communication dated 28-12-1992. A copy of the said communication was received by me from the Labour Ministry.

The matter in dispute as referred to for my arbitration reads as under :—

“Whether the action of the management of Western Coalfields Ltd., Kanhan Area in dismissing/termination the services of S/Shri Saheblal son of Nandoo, Sunderlal son of Lakhanlal, Israil son of Sahid, Mahadeo son of Bhaiyajee, Mohd Abrar son of Sheikh Ishaque and Sirajkhan son of Basir Khan is legal and justified ? If not, what relief the workmen concerned are entitled to ?”

According to the terms of the written settlement the Award was to be given within a period of two months or within such further time as extended by agreement between the parties. The time limit was extended from time to time and as per the last agreement dated 9-3-1996 it was extended upto 30-4-1996.

Short recital of the case : A set of 31 workers were transferred to Chikalmu Colliery from Sukri Colliery. On alleged refusal to provide continuous employment by Chikalmu with effect from 13-3-1976, an Industrial dispute was referred to the Central Government Industrial Tribunal, Jabalpur. The parties were the Management of Kanhan Area of W.C.L. (hereinafter referred to as the 'Management') and Samyukta Khadan Mazdoor Sangh (AITUC) (hereinafter referred to as the 'Union'). While the dispute

was pending before the Central Government Industrial Tribunal, Jabalpur (hereinafter referred to as the 'Tribunal'), the parties entered into negotiated settlement on 23-9-1983. With the settlement, they approached the Tribunal for a compromise award in terms of their settlement dated 23-9-1983. The Tribunal found the settlement fair and reasonable and passed an award in terms of the compromise on 30-3-1984.

The salient features of the Award are :

1. Shri Mohammad Khan and 30 others mentioned in the reference would be employed on temporary basis which was likely to be extended from time to time in piece-rated job in any unit of Kanhan area
2. That in the cases where the workmen are more than 45 years of age, the employment shall be given to their male dependants on the same terms and conditions.
3. That in case the workmen in question did not join the duties within 30 days from the signing of the settlement, the workmen concerned would have no right to employment and it should be presumed that the workmen concerned were not interested in the job.
4. The award would be in full and final settlement and the workmen concerned would not be paid any back wages or any other relief. The union gave up all other claims with reference to the dispute.
5. Regarding transfer of the workmen, contained in the terms of reference, the Tribunal observed that “as regards the transfer it appears from the terms of the agreement that they agree not to touch the question of transfer or reopen the same and they do not want the Tribunal to go into the question of transfer. The only question, therefore, that remains is about the reinstatement which shall be done on the terms as agreed by the parties.

Both the parties were anxious to implement the Award as early as possible. For the same, identification of the workers named in the award and the verification of documents etc was required to be done. At the instance of the management the union General Secretary Shri P. K. Banerjee identified the 31 workers.

Thereafter the management issued letters of appointment to the workers.

The workmen involved in this reference were offered appointments and their details are :—

S. No.	Name	Sl. No. in the list	Reference No. Appointment order dated	Self dependent
1.	Shri Mahadeo S/o. Bhayyalal	15	PM/25/83/3867 dated 11-11-83	Self
2.	Shri Sundarlal S/o. Lakhn Lal	11	PM/25/83/4367 dated 25-12-83	Self
3.	Shri Abrar S/o. Sheikh Isha'que	4	PM/25/83/4366 dated 25-12-83	Self
4.	Shri Israil S/o. Mohd. Sayeed	7	PM/25/83/4368 dated 25-12-83	Self
5.	Shri Siraj Khan S/o. Bashir Khan	5	PM/25/83/4365 dated 25-12-83	Self
6.	Shri Saheblal S/o. Nandoo	9	PM/25/83/3866 dated 11-11-83	Self

They were posted at Rakhikol Colliery. The letters of appointment were received by the workmen involved in this reference and in compliance to the terms and conditions of appointment as contained in the said letters they reported for medical examination, submitted three copies of pass-port size photographs duly authenticated by the required authorities and joined duties at the place of postings. There were other conditions which were fulfilled before being allowed to resume duties.

Since the time of their joining duties at Rakhikol Colliery the management received several complaints and representations through the district administration. The Rashtriya Koyla Khadan Mazdoor Sangh also submitted similar complaints to the management. The complaints and representations questioned the correctness and validity of the identification and verification made by Shri P. K. Banerjee, General Secretary of the Union. The bonafides of the workmen were in doubt. The management advised the workmen involved to prove their genuineness by producing the authorised documents which they produced.

Employer's case :

Vide its written statement the management has submitted that the six concerned workmen were appointed in terms of the Tribunal's Award. Shri P. K. Banerjee, the General Secretary of the Union had given a certificate that these six persons were the real persons whose case was under reference to the Tribunal. Believing in the assurance and in good faith and further to avoid any industrial dispute and unrest, the management gave them employment. Thereafter, complaints against these persons from the operating unions and other sources started pouring in. These complaints were forwarded to the Station Officer, Police Station, Jumnardeo and such other agencies. Similar complaints were also made to the district authorities by other unions and persons. On the advice of the Collector, Chhindwara District, the management issued chargesheets under the applicable Standing Orders to these six workmen and directed them to explain their misconducts.

Detailed enquiries into the facts and circumstances were conducted and in the enquiries the misconducts were proved beyond any doubt and hence these six workmen were dismissed from service on the basis of the proved misconducts. The management stated that the appointments are void ab-initio as these persons had no right to claim employment and had snatched the same under the false names and on the wrong premises. As per the management, they had no right to continue in employment. The management further stated that in case the Arbitrator is not satisfied with the departmental enquiries conducted by the management, it may be given an opportunity to prove that these six persons are not the real persons who are covered under the Tribunal's Award. It is the contention of the management that the onus of giving that the persons are genuine persons entitled to employment under the Tribunal's Award rests with the union/concerned persons, who have not led any evidence to establish the genuineness of their cases. They have further stated that these six persons are now working somewhere else and hence they are not entitled to any relief by way of back wages.

In reply to the Union's written statement, the management submitted its rejoinder on 2-3-1993. Vide this rejoinder the management laid the responsibility of presenting the real workmen for offer of appointment on the union. The management denied the allegation of victimisation, harassment and such other motives as attributed to it by the union. In the opinion of the management, the concerned six workmen should have proved their bonafides in the departmental enquiries ordered by the Manager, Rakhikol Colliery. The management has denied the claim of the union that the enquiry should have been stayed for any reason including the matter being pending before the Assistant Labour Commissioner (Central), Chhindwara. The management has relied on the observations of the various courts in support of its contention that it was within its right to complete the enquiries and not to keep them pending for the reasons given by the union. The management contended that the charges were of serious nature warranting dismissals and hence the six workmen have been rightly dismissed. In the enquiries, the workmen have been found guilty of giving false informations about their names, age, father's name,

qualification and previous experience etc. The management repeated that after dismissal, the six workmen were never seen in the colliery premises and hence suggested that they must be employed somewhere else.

Finally the management submitted that the dismissals be held justified and the workmen concerned are not entitled to any relief and prayed that an Award to that effect be given.

Union's case:

These 31 workers were working at Sukri Colliery and were transferred to Chikalmau Colliery where they were refused employment. Accordingly a dispute was raised which ultimately resulted into a reference to Tribunal who finally passed a consent award which was based on the terms of a negotiated settlement dated 23-9-1983 arrived at between the management and the union. These six workmen are out of those 31 workmen covered and listed in the said award of the Tribunal. The management issued conditional letters of appointment which required the workmen to submit duly attested photographs of their own. Such attestation was required to be done by the Gazetted Officer/M.L.A./Sarpanch of Gram Panchayat etc. The concerned six workmen complied with the conditions laid down in the letters of appointment and it is only thereafter that the management posted them at Rakhikol Colliery. They worked there for years together. The complaints against these workmen were arranged by the management through another rival union which was working at the whims of the management. The management tried to harass these workmen through Police and other sources. The issuance of charge-sheets was one such example of harassment of these workers. The charge-sheets were false and fabricated. The defence of the workers was prejudiced because of enquiry officer's failure to tell the workmen about the standing orders under which they were charge-sheeted. The validity of the charge-sheet was challenged before the Assistant Labour Commissioner (Central), Chhindwara. The Assistant Labour Commissioner held meetings with the parties and a final decision was taken that this issue will be decided in reference to the legal registers of Sukri Colliery. It was decided to stay the enquiry proceedings. The Management had acted at the instance and pressure of the other rival unions. The enquiry has been conducted after 2 years from the date of charge-sheet and that too in an ex-parte manner and hence the same is illegal. The dismissals are against the canons of the Industrial Legislation. The management should have disclosed the source of complaint on the basis of which the charge-sheets were issued. They have alleged that for various reasons the whole departmental action is bad in law. The name of the complainant was not disclosed, the copy of complaint was not given, the affidavit/document which has been referred to in the charge-sheet was not examined by the Enquiry Officer, who was the employee, the concerned workmen or the persons whose dependants the concerned appointees were; and finally which standing orders are applicable in

the instant case. The enquiry was merely a show and principles of natural justice have not been followed. Since the self-same matter of charge-sheet constitutes a criminal offence the management should have waited for the result of the criminal case. The union denied that the responsibility of presenting the genuine persons for appointment under the Award rested on it.

Finally, the Union prayed that the dismissals be held unjustified and the concerned six workers be reinstated with full back wages and other attendant benefits.

The hearings commenced on 14-2-1993 and continued on different dates at Parasia, Junnardeo, Chhindwara and Nagpur and the last hearing was held on 30-3-1996 at Parasia.

Parties filed their written statements and exchanged copies on 26-2-1993. On the next date i.e. 12-3-1993 they filed rejoinders and exchanged copies. They requested for time for making their submissions on framing and finalisation of the issues. On 23-3-1993 both the parties submitted their lists of proposed issues. They exchanged copies during the sitting on the date. They requested for time to study the same and make submissions in the next sitting. On 24-3-1993 they made oral submissions and desired time to submit written arguments for facilitating the Arbitrator in finalisation of issues involved in the dispute. On the next date, issues were finalised and case fixed for filing documents. They were also required to notice the other party for search and production of documents in possession of the other party. Parties filed documents on 1-6-1993. The Union also submitted petition for direction to the management to produce/file the listed 7 documents in its possession. Management sought time to make written submissions on the petition of the union. Order on the said petition of the Union was passed on 14-6-1993 and necessary direction issued to the management. On a point regarding document at serial No. 5 management sought from the union more particulars and the union was directed to give the same. On the next sitting the union submitted more particulars. Management sought time either to submit the documents or to make submissions with reasons for their non-production.

Both the parties filed documents. Documents were also produced and filed by some of the witnesses. Initially management filed nine documents. The same were marked and exhibited. There were six sets of departmental enquiries of the six workmen involved in the reference. Another was standing order of Rakhikol colliery. The other two were the copies of the Tribunal's Award and the negotiated settlement dated 23-9-1983 between the management and the union.

On 29-8-1995 they again filed documents counting 114 sheets. They were various complaints, petitions, pamphlets and other communications received from the district authorities. There are certain communications between the political party/office-bearers and the concerned ministers etc. The documents are

relevant as well as irrelevant. They have been filed by the management.

Management witnesses also produced and proved certain documents which were in possession of their offices. These include copies of two Arbitration Awards, Wage-sheets of Sukri Colliery, minutes of discussions recorded between the management of WCL and the other union i.e. Rashtriya Koyla Khadan Mazdoor Sangh regarding assurances of the management to employ other persons in place of those dismissed for alleged impersonation. Proceeding papers of enquiry of a similar case i.e. Shri Harangi son of Badri.

The union filed 20 documents as per list dated 16-5-1993. The same were marked and exhibited.

On 15-3-1994 a new matter came up. The management questioned the continuing representative capacity of Shri P.K. Banerjee. The management filed communications received from the parent body of the Union and submitted that in view of the same Shri Banerjee ceased to be the officer of the union and hence lost the representative character. Parties led oral and documentary evidence in support of their rival contentions and argued. The controversy was resolved by an order passed after perusing the evidence led and the arguments advanced on 18-6-1994 at Parasia. Shri Banerjee was directed to file fresh authorisation from the involved workmen. The proceedings were stayed for compliance. Shri Banerjee filed authorisation only from one of the involved workmen. The authorisation filed was signed by Shri Siraj Khan and in case of other five it was stated that they have gone to their native places. They have been informed and as and when they return required authorisation from them will also be filed. Shri K. Banerjee or any other office bearer of the so called newly elected body of the Union did not file any authorisation for representing the other five workmen. Till this day no such authorisation has been filed and none represented them. The other five workmen involved in the reference neither appeared in person nor presented their case by any duly authorised representative. Neither they appeared nor showed any interest. It seems they were not interested in the matter any more.

Matter was fixed for evidence. On 21-6-1995, the case was fixed at Coal Estate, W.C.L., Head Quarter Nagpur. On this date none appeared for the management. Union representative pressed for order to proceed ex-parte. After waiting for more than an hour, order to proceed ex-parte was passed. Later on, management representative appeared and entered appearance. He submitted a petition for setting aside the ex-parte order and quashing the day's proceeding. On the next date parties were heard on the petition of the management and the ex-parte order passed on 21-6-1995 was revoked and the day's proceedings quashed.

Management's oral evidence started on 8-7-1995 and concluded on 8-1-1996. Management examined 18 witnesses. Union's oral evidence commenced on 9-1-1996 and concluded on 23-3-1996 Union examined two witnesses. As both the parties conclu-

ded their oral and documentary evidence and stated that they had nothing more to add, hence the case was fixed for arguments. The same was concluded on 30-3-1996 at Parasia. Union filed written arguments also and the management sought time for submitting the written arguments. The management was allowed time and directed to file written arguments at Nagpur on or before 10-4-1996. The management was further directed to deliver copy to the Union representative. The union was allowed to submit reply, if any, on or before 15-4-1996. Accordingly management filed the written arguments and nothing was received from the union.

FINDINGS

I have gone through the written statements and rejoinders of the parties. Their pleadings have been carefully examined. The contentions and submissions made by the parties are considered in depth.

The Union has raised a few important points having bearing on the conduct of the domestic enquiries involving the six workmen concerned in the reference.

- (a) The charges are vague and the workmen were unable to understand the same.
- (b) For a misconduct which can be a subject matter of a criminal offence the duty of taking action rests with the State and not the management. In case the management takes action they should await the result of the criminal case.
- (c) Which Standing Orders are applicable to the six workmen, Standing Orders of Sukri or Rakhikol ?
- (d) Name of complainants was not disclosed and a copy of the complaint was not given.
- (e) Who were named in the Tribunal's list, the persons charged or their fathers as is alleged by the management ?
- (f) Why the Pari-patra referred to in the charges was not produced by the management in the domestic enquiry ?

The Issues framed were :

- (1) Are the Standing Orders of Rakhikol Colliery not applicable to the workmen concerned in the dispute ?
- (2) Are the charges vague ?
- (3) Are these enquiries conducted as per principles of natural justice and the concerned workmen given reasonable opportunity to defend themselves ?
- (4) Are the findings perverse and/or baseless?
- (5) Is the punishment disproportionate and harsh?
- (6) Are the dismissals/terminations of services of the concerned workmen legal and justified?

If not, what relief the workmen concerned are entitled to ?

The points agitated by the Union are covered by the issues framed except points in (b) & (d). herein also.

As regards point (b).—In some cases the misconduct charged against a worker also constitutes an offence under the criminal law. In such cases it is open to the employer to initiate departmental enquiry and also prosecute in criminal court. The two are entirely distinct in character. Secondly, the scope and purpose of the two proceedings are entirely different and one need not wait for the other. In the instant case union has denied that any criminal case on the same matter is pending. The situation can be that in case the workman involved requests to stay the departmental action as his defence in criminal case will be prejudiced the employer may not force the workman to disclose his defence in the domestic enquiry. This pleading of the union does not hold good.

As regards point (d).—The charges have to be precise with necessary details. If a rule required that the charge-sheet should contain the statement of allegations then only failure will make the enquiry improper or illegal. Similarly name of the complainant is not necessarily to be given at least in such cases. In fact the employer can take note of a misconduct on the part of an employee without any complainant and the employee can be asked to explain.

Issues :

- (1) Are the Standing Orders of Rakhikol Colliery not applicable to the workmen concerned in the dispute ?

The workmen involved in the reference were employed under the Tribunal's Award. Clause 2 of the Tribunal's award provides that the workmen will be employed on temporary basis in any of the units of Kanhan Area. The Tribunal's Award is silent as to the applicability of the Standing Orders. In the circumstances, the Standing Orders of Rakhikol Colliery will be applicable. Employees are governed by Standing Orders of the unit of their postings.

The issue is answered accordingly.

Are the charges vague ?

It is an accepted principle of natural justice that the charge should be precise and contain the necessary details. So far as the charges are concerned, I find that the charges are otherwise not tenable and hence I need not go into the details to find out if the same are vague.

3. Are these enquiries conducted as per principles of natural justice and the concerned workmen given reasonable opportunity to defend themselves ?

The details of the domestic enquiry sittings are :

- (a) Shri Mahadeo son of Bhavvaji was issued with charge-sheet dated 19-12-1986. Non-effective dates of hearings were 5-1-1987, 4-2-1987, 11-2-1987, 9-3-1987, 11-11-1987 and 22-2-1988. Effective

dates of sittings were 5-9-1988, 6-9-1988, 7-9-1988 and 9-9-1988 when evidence was recorded. The enquiry report was signed by the Enquiry Officer on 9-9-1988.

- (b) Shri Saheblal son of Nandoo was issued with charge-sheet dated 19-12-1986. The non-effective dates of hearings were 1-1-1987, 4-2-1987, 1-3-1987, 22-2-1988 and 11-6-1988. The effective dates of sittings were 5-9-1988, 7-9-1988 and 9-9-1988 when the evidence was recorded the enquiry report was signed by the Enquiry Officer on 9-9-1988.
- (c) Shri Israil sone of Sayeed was charge-sheeted vide charge-sheet dated 19-12-1986. In his case the dates of non-effective sittings were 6-1-1987, 3-2-1987 and 17-2-1987 when no evidence was recorded. The effective dates of sittings were 5-9-1988, 6-9-1988, 7-9-1988 and 9-9-1988 when evidence was recorded. The Enquiry Report was signed by the Enquiry Officer without mentioning the date.
- (d) Shri Sunderlal son of Lakhanlal was charge-sheeted vide letter dated 19-12-1986. In his case the dates of non-effective sittings were 5-1-1987, 2-2-1987, 10-2-1987, 10-3-1987 and 12-6-1988. Evidence was recorded on 6-9-1988, 7-9-1988 and 9-9-1988. The enquiry report was signed on 9-9-1988.
- (e) Shri Mohd. Abrar son of Sheikh Ishaque was charge-sheeted vide memo dated 19-12-1986. In his case the dates of non-effective sittings were 6-1-1987, 3-2-1987, 17-2-1987, 22-2-1988 and 10-6-1988 when no evidence was recorded. Evidence was recorded on 5-9-1988, 6-9-1988 and 9-9-1988. The enquiry report was signed by the Enquiry Officer on 9-9-1988.
- (f) Shri Siraj Khan son of Bashir Khan was charge-sheeted vide letter dated 29-11-1986. He was suspended pending enquiry. In his case the non-effective dates of sittings were 12-1-1987, 4-2-1987, 28-2-1987, 21-2-1988, 11-6-1988 when no evidence was recorded. Evidence was recorded in the sittings held on 5-9-1988 and 6-9-1988. The enquiry report was signed on 9-9-1988.

The enquiries were pending for about two years. In all the six enquiries the enquiry officer was Shri J. D. Jindal. In all the six enquiries the evidence was recorded in four days and on 9-9-1988 all the six reports were signed. For reason that the charges are not tenable the enquiry based on such charges is vitiated. So the issues at Serial No. 3 regarding the enquiries, at serial No. 4 regarding enquiry finding being perverse or otherwise and at serial No. 5 regarding punishment need not be gone into.

4. Are the enquiry findings perverse and/or baseless ?

Since the domestic enquiries are otherwise vitiated this need not be examined.

5. Is the punishment disproportionate and harsh ?

Since the domestic enquiries are found to be vitiated any punishment based thereon is bad in law, and cannot be maintained.

6. Are the dismissals/terminations of services of the concerned workmen legal and justified ? If not, what relief the workmen concerned are entitled to ?

The dismissals are illegal and unjustified for reasons elaborated hereinafter and the relief dealt in subsequent paras is necessary.

Charges levelled :

The number of workmen involved in the Tribunal's award for appointment/employment was thirty one. They were listed with their names and father's names on page 2 of the Award. The provision was that in cases of those who were more than 45 years in age, the employment will be offered to their male dependants on the same terms and conditions. In other cases the employments were to be offered to workmen named on page 2 of the Award.

Accordingly there were two sets of appointees. The six workmen involved in the present reference are those who were less than 45 years in age and hence they themselves were offered appointments. The charges levelled against them are that they are not the real dependants and they submitted false 'Pari-patra' affidavit and got appointments. The charges in all the six cases have been levelled as if they got appointment as dependants in place of those named in the Tribunal's Award. The details are as under :

Shri Mahadeo son of Bhayyaji at serial No. 15 in the Tribunal's list has been charged that he is not the real dependant of Shri Bhayyaji and that he submitted false 'Pari-patra' affidavit and illegally got the appointment.

Shri Saheblal son of Nandoo at serial No. 9 in the Tribunal's list has been charged that he is not the real dependant of Shri Nandoo and that he submitted false 'Paripatra' affidavit and illegally got the appointment.

Shri Sirajkhan son of Bashirkhan at serial No. 5 in Tribunal's list has been charged that he is not the real dependant of Bashirkhan and that he submitted false 'Paripatre' affidavit and illegally obtained the appointment.

Shri Israil son of Mohd. Sayeed at serial No. 7 in the Tribunal's list has been charged in the letter that he is not the real dependant of Mohd. Sayeed and that he submitted false 'Paripatra' affidavit and illegally obtained the appointment.

Shri Abrar son of Sheikh Ishaque at serial No. 4 in the Tribunal's list has been charged

that he is not the real dependant of Sheikh Ishaque and that he submitted false 'Pari-patra' affidavit and illegally obtained the appointment.

Shri Sunderlal son of Lakhanlal at serial No. 11 in the Tribunal's List has been charged that he is not the real dependant of Lakhanlal and that he submitted false 'paripatra' affidavit and illegally obtained the appointment.

In all the cases the Standing Order quoted 17(i)'O' which reads as under :

"Giving false informations regarding one's name, age, father's name, qualification or previous service at the time of appointment."

The six workmen involved in this reference are those who got appointments in their own names. They were below the age of 45 years and not entitled to offer their male dependants for job. In these circumstances, such charge cannot be levelled against them. The charges refer to the 'Paripatra' affidavit which they submitted for obtaining the appointments as dependants. The same is alleged to be false. The same should have been produced in the domestic enquiry before the Enquiry Officer. For the reasons best known to them the management did not produce the same in the domestic enquiry and also before me in the arbitration proceedings. Vide its written arguments in para 21 the management has stated that the photos attested by Shri Banerje has been treated as the document/affidavit/paripatra as no other paper has been filed by the workmen involved in this reference. Photo cannot be treated as Pari-patra/affidavit.

Since the charge is not tenable and is found to be not having any basis the domestic enquiry or such charges is vitiated. The dismissals are found to be unjustified.

Witness & the Evidence :

There are some witnesses whose statements give the background of the dispute. One of them is M.W. 13. He is an office bearer of the Rashtriya Koyala Khadan Mazdoor Sangh. He issued pamphlets on record. These pamphlets are printed communications. In these pamphlets photos of those who are alleged to be not real persons and of those whom it claimed as the real persons have been printed with the help of blocks. He is the person who had become intervener in one of the petitioner filed in M.P. High Court. Later on, he withdrew the petition on an assurance of the Director (Personnel) of WCL that the other persons will be employed in place of the alleged imposters. He sponsored the disputes of those who are alleged to be the real persons. The management had agreed to give employed to the alleged real persons after the alleged unreal persons are removed from service. This document containing the assurance is on record.

The alleged real persons have been identified by one of the witnesses from the blocks published in the pamphlets. MW-2, MW-5, MW-6, MW-12 are one of the alleged real persons. MW-7 and MW-3 are the office bearers of the other union. MW-4, 9, 10, 11, 14, 15, 16, 17, and 18 are those witnesses who claimed that they worked along with the alleged real persons. MW-17 is one who was similarly charge-sheeted by the management for misconduct regarding the false 'Paripatra' submission but later on let off as it was found that he got appointment through the other union and not SKMS.

Statements of these witnesses are full of contradictions and inconsistencies. The evidence does create doubt that the persons charged may not be the real persons. But doubt can not take place of proof. Witnesses being interested witnesses was noted from their mis-demeanour during their examinations and cross-examinations. It looked as if they all belong to one section and are re-motivated by a common objective. Their statements are more a repetition of the same. Identifying a person when he is present is accepted. He can be identified from a photograph also. No one can be identified from photo printed through a block.

In such circumstances, I find that the issue regarding the workmen involved in the reference being not the real persons is UNPROVED.

Case of Siraj Khan

Out of the six workmen involved in the present reference Shri Siraj Khan was suspended pending enquiry. The suspension pending enquiry is mentioned in the letter of charge itself. The date of charge-sheet is 29-11-1986 and the suspension pending enquiry is with effect from 1-12-1986. He has been dismissed with effect from 11-9-1988.

On this point evidence has come on record in the statements of WW-1 who is General Secretary of the Union and WW-2 Shri Siraj Khan.

In his statement as WW-2 Shri Siraj Khan has stated that he was under suspension pending enquiry for about three months. He was allowed on duty by Manager Rakhikol Colliery after discussion between the Manager Rakhikol Colliery and WW-1 Shri P.K. Banerjee. In his cross by the management he stated that he does not remember if the letter for withdrawal of suspension was received by him.

Shri P. K. Banerjee General Secretary of the Union stated as WW-1 that on the request of their union Shri Siraj Khan was allowed to resume duty and suspension pending enquiry was withdrawn. As per WW-1 Management had informed that the suspension period will be treated as punishment and no wages will be paid for the suspension period. In his cross-examination he confirmed that out of the six workmen involved only Siraj Khan was suspended and on the approach of their organisation i.e. the union Shri Siraj Khan was allowed to resume duty. Further, the suspension undergone pending enquiry was treated as punishment. In his further cross exami-

nation he deposed that there is no proof with him but he knew it as the management decision to treat the same as punishment was taken during discussion with him.

Management has very lightly contested the point of suspension undergone pending enquiry being treated as punishment and this amounts to acceptance of the position. Once the charge-sheet was settled and the management had in discussion with the union, agreed to treat the suspension period as punishment the matter stood settled. Management has not shown/proved from record that Shri Siraj has been paid for the suspension period. The dismissal is w.e.f. 11-9-1988. WW-1's statement was recorded on 9-1-1996 and the management representative was not only present during his examination but a copy of the statement was received by him on the same day. Management cross-examined him on 22-3-1996. If in the opinion of the management, it was not a statement of fact, the management should have confronted him with records which could disprove his statement. Similarly statement of Siraj Khan was recorded as WW-2 in the presence of the management representative. His statement on this point has not been strongly contested by the management. In cross a simple suggestion was made if he was given any letter allowing him to resume duty. His reply was that he does not remember. In case the management had issued any such order it should have produced and confronted the witness with the same. No suggestion was made that he was telling this for his own benefit and that it was not true. In its 14 paged written arguments also, this fact has not been denied. In oral arguments also no mention of this fact was made.

In compliance to the order dated 18-6-1995, authorisation signed by Shri Siraj Khan was filed. In case of others no authorisation was filed. Shri Siraj Khan deposed as WW-2 in this proceeding. He has shown full interest and in his cross-examination stated that he is not employed anywhere and managing his livelihood with the help of others.

The management has in its written arguments referred to the two arbitration awards passed in similar cases of other eleven workers who were out of those thirty one workmen involved in the Tribunal's Award. Copies of these awards have been filed by the management witness No 13. There is an award of Shri H. G. Bhawe, Joint Chief Labour Commissioner (Central) retired dated 29-5-1989. In this award the Hon'ble Arbitrator has found such cases of the five workmen. In their cases the management had taken a decision to confirm the suspension period as punishment. The dismissals were found unjustified. The only thing missing in case of Shri Siraj Khan is the letter by which the management decision was communicated. In the instant case either the same was not issued or not preserved by the concerned. In case of five workmen covered under the Award passed by Shri Bhawe, the letter of one of the workmen was produced and in case of others the management had confirmed its issuance on request by the union. The unit management had in a discussion with the union agreed to treat the suspension period as punishment. The charge-sheet stood settled. It is not on record

that the workmen have been paid for the suspension period.

Shri Siraj Khan has undergone suspension for about three months which was confirmed as punishment as per agreement between the unit management and the union. His dismissal from service amounts to double punishment for the same misconduct. I find that the management had agreed to treat the suspension undergone by him as punishment and dispose of the charge-sheet No. RKL/STF/86/2331 dated 28-11-1986. His dismissal on this score is also found to be unjustified. By way of relief Shri Siraj Khan son of Bashir Khan will be reinstated with 20% of the back wages for the period of his idleness. To avoid further dispute regarding payments under this Award, the management will make payment in presence of the union official who represented his case in this proceeding.

Regarding S/Shri Mahadeo son of Bhaivyal, Saheb-lal son of Nandoo, Israil son of Sayeed, Sunderlal son of Lakhandal and Mohd. Abrar son of Sheikh Ishaque:

These 5 workmen involved in the reference never appeared in the proceedings. Only on one occasion one of them was seen. In compliance to order/direction dated 18-6-1994 Shri Banerjee filed authorisation of Shri Siraj only. In case of these five workmen, it was informed in writing that they had gone to their native places and on their return authorisation from them will be obtained and filed. Till date on authorisation from them has, however, been filed.

These five workmen have not taken any interest in their cases. It is clear that they are no more interested in their disputes pending before me.

They did not appear, they did not authorise any one to pursue and conduct their cases, they remained unrepresented in the proceeding and they came to be dismissed on charges of alleged impersonation.

In view of the above, I find that these five workmen are not interested in their dispute and give a 'No Dispute' award in their cases.

To summarise, I find that the issue of these involved workmen being non-genuine persons as alleged is 'unproved'.

1. Shri Siraj Khan will be reinstated with 20% of back wages for the period of his idleness.

2. In case of others a 'No Dispute' award is given.

I record my appreciation for the cooperation extended to me by both the parties in handling the instant arbitration case. A special mention of the hard and devoted work of Shri Dinesh, Staff member of Personnel Department will also not be out of place.

S. S. MISHRA, Retired Dy. Chief Personnel Manager and Arbitrator.

नई दिल्ली, 3 फरवरी, 1997

का.पा. 577.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, 371 GI/97—15

केन्द्रीय नरकार पूर्वोत्तर रेलवे, वाराणसी, के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-2-97 को प्राप्त हुआ था।

[संख्या एल-41012/51/94-आई आर (बी-आई)]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 3rd February, 1997

S.O. 577.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Purvottar Railway, Varanasi and their workmen, which was received by the Central Government on 3-2-97.

[No. L-41012/51/94-I.R.(B-I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 31 of 1996

In the matter of dispute :

BETWEEN

Mandal Adhyaksh, Purvottar Railway Shramik Sangh, 96/196, Roshan Bazar Lane, Ganeshganj, Lucknow-226001

AND

Mandal Rail Prabandhak, Purvottar Railway, Varanasi-221001.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-41012/51/94-I.R.(B-I), dated 19-3-96, has referred the following dispute for adjudication to this Tribunal :

Whether the action of the management of N.E. Rly., Varanasi in changing the designation of 14 workmen whose lieu were initially kept as Khalasi vide their office order No. 480 dated 30-5-1988 (featuring at Sl. No. 4, 5, 7 to 12 to 19) to Trolleyman vide their office order No. 80, dated 28-7-1992 (featuring at Sl. No. 4 to 17) is justified ? If not, what relief the workmen are entitled ?

2. In spite of repeated opportunities, having been given to the concerned workman, he neither filed any claim statement nor put in appearance in the Tribunal. It appears that he is not interested in the case.

3. Hence my answer to the reference is in the affirmative and against the concerned workman for want of proof. He is not entitled to any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 3 फरवरी, 1997

का.आ. 578.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ़ बिकानेर एंड जयपुर, नई दिल्ली के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-2-97 को प्राप्त हुआ था।

[संख्या एल-12012/197/94-आईआर (बी-1)]
पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 3rd February, 1997

S.O. 578.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Bikaner & Jaipur, New Delhi and their workman, which was received by the Central Government on 3-2-97.

[No. L-12012/197/94-I.R.(B-I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, KANPUR

Industrial Dispute No. 55 of 1996

In the matter of dispute :

BETWEEN

S. K. Srivastava, Secretary, State Bank of Bikaner & Jaipur Employees Union, C/o Shri B. P. Saxena, 426-W-2, Basant Vihar, Kanpur.

AND

Deputy General Manager, State Bank of Bikaner & Jaipur, Ahinsa Bhawan, Bhanwar Road, New Rajendra Nagar, New Delhi.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-12012/197/94-I.R.(B), dated 10-6-96, has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of State Bank of Bikaner & Jaipur, New Delhi in stopping Special allowance for 3 years in r/o Sh. V. K. Virmani is legal and justified? If not to what relief is the workman entitled to?

2. In spite of repeated opportunities, having been given to the concerned workman, he neither filed any claim statement nor put in appearance in the Tribunal. It appears that he is not interested in the case.

3. Hence my answer to the reference is in the affirmative and against the concerned workman for want of proof. He is not entitled to any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 13 फरवरी, 1997

कांआ० 579:—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित है कि इंडिया गवर्नमेंट मिनट, नोइडा को, जो औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची में निदिष्ट है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवा घोषित किया जाना चाहिए।

अतः, अब औद्योगिक विवाद अधिनियम, 1947 की धारा 2 के खंड (द) के उपखंड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मंसा की कला-वर्ध के लिए लोक उपयोगी सेवा घोषित करती है।

[सं० एस-11017/1/94आईआर० (पी०एल०)]

एच०मो० गुप्ता, अवसर सचिव

New Delhi, the 13th February, 1997

S.O. 579.—Whereas the Central Government is satisfied that the public interest requires that the Indian Government Mint, Noida which is covered by item 11 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act.

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purpose of the said Act for a period of six months.

[No. S-11017/1/94-IR(PL)]

H. C. GUPTA, Under Secy.

नई दिल्ली, 4 फरवरी, 1997

का०आ० 580 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-2-97 को प्राप्त हुआ था ।

[सं० एल-40011/6/90-आई आर (डीयू)]

के०वी०बी० उण्णी, डैस्क अधिकारी

New Delhi, the 4th February, 1997

S.O. 580.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecommunication and their workman, which was received by the Central Government on the 3-2-97.

[No. L-40011/6/90-IR(DU)]

K. V. B. UNNY, Desk Officer.

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 258 of 1990

In the matter of dispute :

BETWEEN

President,
All India Telegraph Engineering Employees Union,
Line Staff Avam Chaturth Shreni,
11/1 P & T Colony,
Aishbagh,
Lucknow.

AND

General Manager,
Telecommunication,
U.P. Circle,
Hazratganj,
Lucknow.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification no. L-40011/6/90-I.R. (D.U) dated 24-10-90, has referred the following dispute for adjudication to this Tribunal:—

Whether the action of the management of Gen. Manager, Telecommunication, U.P. Circle,

Lucknow in terminating the services of their 10 employees (list attached) is justified? If not, what relief the concerned workman are entitled to?

2. It appears that the concerned workman has raised the instant Industrial Dispute in connection with his termination of his service.

3. It is unnecessary to give the detail of the case as the Hon'ble Supreme Court in case of Sub-Div. Inspector versus Vaikam V. T. Joseph Lab I.C. 1996 (1059) (S.C.) has held that Telecom department is not an industry. Hence this Tribunal has no jurisdiction to determine the dispute. According to the reference is returned unanswered.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 4 फरवरी, 1997

का०आ० 581 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-2-97 को प्राप्त हुआ था ।

[सं० एल-40012/17/90-आई आर (डीयू)]

के०वी०बी० उण्णी, डैस्क अधिकारी

New Delhi, 4th February, 1997

S.O. 581.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecommunication and their workman, which was received by the Central Government on 3-2-97.

[No. L-40012/17/90-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

In the matter of dispute :

BETWEEN

In the matter of dispute between :

Vijay Shankar

C/o Sh. S. N. Tiwari

119/75-157 Naseemabad

Kanpur-208001

AND

M/s. Department of Telecommunication,
through D.E.T. (O.F.C) office,
Kapoorthala Bag
B-13, Chandra Niwas,
Aliganj, Lucknow.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification no. L-40012/17/90, I.R. (D.U.) dated 22-11-90, has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Deptt. of Telecommunication (DET) Lucknow in terminating the services of Shri Vijay Shankar w.e.f. 16-10-88 is justified? If not, what relief the concerned workman is entitled to?

2. It appears that the concerned workman has raised the instant industrial dispute in connection with his termination of his service.

3. It is unnecessary to give the detail of the case as the Hon'ble Supreme Court in case of Sub. Divnl. Inspector versus Vaikam V. T. Joseph Lab I.C. 1996 (1059) (S.C.) has held that Telecom Department is not an Industry. Hence this tribunal has no jurisdiction to determine the dispute. According the reference is returned unanswered.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 4 फरवरी, 1997

कां०आ० 582 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस०डी०ओ० टेलीफोन के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-2-97 को प्राप्त हुआ था।

[सं० 40012/24/91—आई आर डी 2 (डीयू)]
के०वी०बी० उण्णी, डेस्क अधिकारी

New Delhi, the 4th February, 1997

S.O. 582.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SDO Phones and their workman, which was received by the Central Government on 3-2-1997.

[No. L-40012/24/91-IR(DU)]
K. V. B. UNNY, Desk Officer.

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,

PANDU NAGAR, KANPUR.

Industrial Dispute No. 125 of 1992.

IN THE MATTER OF DISPUTE BETWEEN
Virendra Kumar Misra 23, Satyalok Colony,
Mohibullapur, Sitapur Road, Lucknow.

AND

Sub-Divisional Officer, Phones Kaiserbagh,
Lucknow

AWARD

1. Central Government, Ministry of Labour, New Delhi vide its notification No. L-40012/24/91-D-2(B), dated 18-12-1991, has referred the following dispute for adjudication to this Tribunal :—

Whether S.D.O. Phones Kaiserbagh Lucknow is justified in terminating the service of Shri Virendra Kumar Misra, S/o. Shri Rajaram Misra w.e.f. 17-2-1987? If not, what relief the workman concerned is entitled to?

2. It appears that the concerned workman has raised the instant industrial dispute in connection with his termination of his service.

3. It is unnecessary to give the detail of the case as the Hon'ble Supreme Court in case of Sub-Divisional Inspector versus Vaikam V. T. Joseph Lab. I. 1996 (1059) (SC) has held that Telecom Department is not an Industry. Hence this tribunal has no jurisdiction to determine the dispute. According the reference is returned unanswered.

B. K. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 4 फरवरी, 1997

कां०आ० 583 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-2-97 को प्राप्त हुआ था।

[सं० एन-40012/15/92—आई आर (डीयू)]
के०वी०बी० उण्णी, डेस्क अधिकारी

New Delhi, the 4th February, 1997

S.O. 583.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of

the Central Government Industrial Tribunal Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Telephones and their workman, which was received by the Central Government on 3-2-1992.

[No. L-40012/15/92-IR(DU)]

K. V. B. UNNY, Desk Officer.

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR.

Industrial Dispute No. 10 of 1993.

In the matter of dispute :

BETWEEN :

Awadhesh Misra, C/o. Shri K. N. Soni,
118/78, Kaushalpuri, Kanpur.

AND

Genral Manager, (Telephone), The Mall Road,
Kanpur.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-40012/15/92-I R. (D.U.), dated 18-1-1993, has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of General Manager (Telephones) Kanpur in terminating the services of Shri Awadesh Mishra w.e.f. 9-4-1986 is justified ? If not, what relief he is entitled to ?

2. It appears that the concerned workman he raised the instant industrial dispute in connection with his termination of his service.

3. It is unnecessary to give the detail of the case as the Hon'ble Supreme Court in case of Sub-Divisional Inspector versus Vaikam V. T. Joseph Lab. I. C. 1996 (1059) (SC) has held that Telecom Department is not an Industry. Hence this tribunal has no jurisdiction to determine the dispute. According the reference is returned unanswered.

B. K. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 4 फरवरी, 1997

कां० 584 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार के प्रबन्धतंत्र के संबंध में नियोजकों और उनके कर्मचारों के बीच, अन्तर्गत में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट

को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-2-97 को प्राप्त हुआ था।

[सं० एल-40012/185/90-आई आर (डीयू)]

के०वी०बी० उण्णी, डेस्क अधिकारी

New Delhi, the 4th February, 1997

S.O. 584.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom and their workman, which was received by the Central Government on 3-2-1997.

[No. L-40012/185/90-IR(DU)]

K. V. B. UNNY, Desk Officer.

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR.

Industrial Dispute No. 80 of 1991.

In the matter of dispute :

BETWEEN

Veeresh Kumar Pandey, S/o. Shri Jagat Narain Pandey, 7/18, Mansukh Khet, Ganga-ghat, Unnao.

AND

Telecom Divisional Engineer, Coaxial Maintenance, C. T. O. Compound, Kanpur.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-40012/185/90-I. R. (D.U.)/D-2(B), dated 14-6-1991, has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of Telecom Divisional Engineer, Coaxial Maintenance, Mall Road, Kanpur in terminating the services of Shri Viresh Kumar Pandey, S/o. Shri Jagat Narain Pandey w.e.f. 5-7-1989 is justified ? If not, what relief he is entitled to ?

2. It appears that the concerned workman has raised the instant industrial dispute in connection with his termination of his service.

3. It is unnecessary to give the detail of the case as the Hon'ble Supreme Court in case of Sub-Divisional Inspector versus Vaikam V. T. Joseph Lab. I. C. 1996 (1059) (SC) has held that Telecom Department is not an Industry. Hence this Tribunal has no jurisdiction to determine the dispute. According the reference is returned unanswered.

B. K. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 4 फरवरी, 1997

का.आ. 585.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-2-97 को प्राप्त हुआ था।

[सं. 40012/10/93-आईआर(डीयू)]

के.वी.बी. उण्णी, डैस्क अधिकारी

New Delhi, the 4th February, 1997

S.O. 585.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Telecom and their workman, which was received by the Central Government on 3-2-1997.

[No. L-40012/10/93-IR(DU)]

K. V. B. UNNY, Desk Officer.

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA PRESIDING OFFICER, CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR.

Industrial Dispute No. 57 of 1994.

In the matter of dispute :

BETWEEN :

Amar Singh S/o. Late Harihar Singh, C/o. Shri S. N. Tiwari, 119/74-157, Naseemabad, Kanpur-208001.

AND

Assistant Engineer, Carrier and R. E. Maintenance, Department of Telecommunication, Kanpur Central Railway Station, Kanpur—208001.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-40012/10/93- I. R. (D. U.), dated 13-7-1994, has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the Asstt. Engineer and R. E. (Maintenance), Department of Telecommunication, Kanpur in terminating the services of Shri Amar Singh w.e.f. 1-12-1984 is legal and justified? If not, what relief he is entitled to?

2. It appears that the concerned workman has raised the instant Industrial Dispute in connection with his termination of his service.

3. It is unnecessary to give the detail of the case as the Hon'ble Supreme Court in case of Sub-Divisional Inspector versus Vaikam V. T. Joseph Lab. I. C. 7996 (1059) (S. C.) has held that Telecom. Department is not an Industry. Hence this Tribunal has no jurisdiction to determine the dispute. According to the reference is returned unanswered.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 5 फरवरी, 1997

का.आ. 583.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल डिफेंस अकादमी, पुणे के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-2-97 को प्राप्त हुआ था।

[सं. एल-14011-4-92/आईआर (डीयू)]

के.वी.बी., उण्णी, डैस्क अधिकारी

New Delhi, the 5th February, 1997

S.O. 586.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of National Defence Academy and their workman, which was received by the Central Government on 5-2-97.

[No. L-14011/4/92-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer
Reference No. CGIT-2/10 of 1996

Employers in relation to the Management of
National Defence Academy, Pune

AND

Their Workmen

APPEARANCES :

For the Employer—Mr. B. M. Masurkar,
Advocate

For the Workmen—Mr. N. A. Kulkarni,
Advocate

Mumbai, dated 14th January, 1997

AWARD

The Government of India, Ministry of Labour by its Order No. L-14011/4/92-IR(DU), dated 19-1-96 had referred to the following Industrial Dispute for adjudication :

"Whether the activities of the National Defence Academy, Khadakvasla, Pune constitute to be that of an 'Industry' under the I.D. Act, 1947? If so, whether the action of the management of National Defence Academy, Pune in terminating the services of S/Shri Sikandar Popal Shaikh, Vilas Harishchandra Sutar, Navnath Kivale, Dilip Tukaram Dagde, and Ashok Dinkar Kavde is legal and justified? If not, to what relief the workmen are entitled?"

2. The workmen filed a statement of claim at Exhibit-3. They contended that they were working under the Commandant National Defence Academy, Khadakvasla w.e.f. April, 1990 to 31-11-90. They worked under Lt. Col. Physical Training Officer. It is averred that they completed 240 days continuous service in a year with the Academy. The concerned authority also issued the necessary certificate to that effect.

3. The workmen pleaded that their services were terminated by the employer that is National Defence Academy without complying with the provisions of Section 25-F of the Industrial Disputes Act of 1947. It is averred that they were terminated orally w.e.f. 31-11-90. It is asserted that it amounted to retrenchment and there is no compliance of Section 25-F of the Act. It is asserted that they were not paid any compensation as contemplated under the Act. It is submitted that prior to effecting the termination of service no seniority list as required under Rule 81 of the Industrial Disputes (Bombay Rules) 1957 was displayed. It is averred that Juniors too have been retained in the employment and their services have been terminated without following Rule of Last Come First Out.

4. It is submitted that they are entitled to be reinstated in service with full back wages and all consequential benefits. They prayed for other reliefs.

5. The National Defence Academy, resisted the claim by the Written Statement Exhibit-4. It is asserted that none of the workmen have completed 240 days in a year as contended by them. It is averred that the certificate issued by the physical training officer to the effect that the workmen had put in work for 240 days in a year is wrong and was issued to them without looking to the record. It is asserted that Shaikh, Sutar, Kivale, Dagde and Kavde had completed 220, 212, 222, 221 and 219 days respectively.

6. The management averred that the workmen were appointed on purely temporary basis as casual worker on daily wages for a specific period after

the expiry of which the appointment automatically got terminated. It is averred that there is no question of retrenchment nor violation of any of the provisions of the Industrial Disputes Act of 1947.

7. The management pleaded that the National Defence Academy is not an industry as defined in Section 2(j) of the Act. It is averred that the training of the cadets for the Armed Forces of the country is a sovereign function of the Government, the maintenance of the entire National Defence Academy complex is part and parcel and integral part of the functions of the academy. Hence the maintenance of physical training grounds and the surrounding areas is essential for the training of the cadets without which their training is bound to suffer. For all these reasons it is averred that the reference may be answered in favour of the management.

8. The issues are framed at Exhibit-13. The issues and my findings there on are as follows :

ISSUES

FINDINGS

- | | |
|---|-------------------|
| 1. Whether the activities of National Defence Academy, Khadakvasla, Pune constitute to be that of an Industry under the I.D. Act of 1947? | No |
| 2. Whether the workmen have completed 240 days in a year as contemplated under the Act? | No. |
| 3. Whether the action of the management amounts to retrenchment? | No |
| 4. Whether the action of the management in terminating the services of these workmen is legal and justified? | Yes. |
| 5. If not, to what relief the workmen are entitled to? | Does not survive. |

REASONS

9. It is not in dispute that the workmen filed a writ petition in the High Court of Judicature at Bombay, challenging the order of the Government rejecting the reference which they filed before the Conciliation Officer at Pune. In view of the order passed by the High Court the Central Government reconsidered the matter and then have referred the dispute for adjudication under Section 10, Clause 'd' of the Industrial Disputes Act of 1947.

10. Mr. Kulkarni, the Learned Advocate for the workman placed Reliance on Bangalore Water Supply and Sewerage Board etc. and A. Rajappa and Ors. etc., 1950—86 Supreme Court Labour Judgments page 177 Vol. 6, argued that National Defence Academy, Khadakvasla being an educational institute is an industry. Mr. Masurkar, the Learned Advocate for the management submitted that the principle laid down in the

above stated authority had no application to the National Defence Academy. To substantiate this contention he placed reliance on the documents which are produced alongwith Exhibit-16. It is not in dispute that the National Defence Academy Khadakvasla, Pune is a training establishment under the Ministry of Defence, trains cadets as future officer to cater to the recruitment of the three armed forces of the union of India. The functions of National Defence Academy are sovereign in nature and directly connected with the security and defence of the country.

11. Exhibit-16 is an extract from the draft report to be submitted to the Government by the Syllabus and Establishment Committee No. 2 for the National War Academy Project and later on became Joint Services Wing on 1-1-49 and subsequently National Defence Academy on 1-1-55. Ex-16/G is an extract from standing orders etc. Part I on Introduction of General Information and Training Policy in National Defence Academy. It can be seen that the training which is given in National Defence Academy cannot be compared with the other educational institutions. The officers trained there are recruited in three wings of the Defence of India. Therefore it is rightly argued on behalf of the management that it is not an industry as contemplated under Section 2(j) of the Industrial Disputes Act of 1947.

12. Mr. Masurkar, the Learned Advocate for the management argued that the Punjab and Haryana High Court has held that the activities of the Border Roads Organisation are sovereign functions and hence the provisions of the Industrial Disputes Act of 1947 are not applicable to the casual worker employed in connection with construction of roads in the border areas by the Border Roads Organisation. On the same analogy it can be seen that the casual labourers employed for the maintenance of the grounds and the surrounding areas of the National Defence Academy cannot be said to be workers in an industry.

13. Infact on the above findings now the remaining issues do not survive. For the sake of argument if it is said that the above said finding is incorrect I intend to give findings on the remaining issues.

14. Sikandar Popat Shaikh (Exhibit-8), Vilas Harishchandra Sutar (Exhibit-9), Navnath Kivale (Exhibit-10), Dilip Tukaram Dagde (Exhibit-11), Ashok Dinkar Kavde (Exhibit-17) affirmed that they continuously worked for more than 240 days in a year. As against that Tembe (Exhibit-6) the witness for the management affirmed that they have not completed 240 days in a year. According to him Shaikh, Sutar, Kivale, Dagde, Kavde had completed 220, 212, 222, 221 and 219 days respectively. It is not in dispute that they worked between April to November, 1990. It is tried to argue by Mr. Kulkarni, the Learned Advocate for

the workmen that the Sunday's and holidays are not taken in to consideration by the management while calculation. These workmen affirmed that there were 35 Sundays and 33 holidays in that period. It can be seen from the admission of these workmen that working days are calculated taking in to consideration Sundays and holidays when they actually worked and paid. Tembe affirmed to that effect. He produced vouchers of payment duly signed by the workmen alongwith Exhibit-6.

15. Mr. Kulkarni, the Learned Advocate for the workman placed reliance on the workman of American Express National Banking Corporation V/s. The Management of American Express National Banking Corporation 1985 I CLR 269. There Their Lordships have observed that Sundays and other Holidays for which wages are paid under the law by the contract or a statute should be treated as the days on which the workmen actually worked under the employer for the purpose of Section 25-F read with Section 25-B of the Act. It can be seen that here in this case Sundays and holidays on which days the worker worked and paid were taken into consideration for calculating the working days. The calculation which is carried out by Tembe appears to be correct one. None of the workmen have completed 240 days in a year. The result is that the contention that they were not given compensation for retrenchment or there was no compliance for retrenchment by the management has no merit.

16. Tembe affirmed that the certificate which was given to these workmen by the officer was without any basis and he produced the documents which I have already discussed above to show that these workmen did not work for more than 240 days. He affirmed that the no workmen have any particular tenure of service at any time and can be removed from the service at any time their services no longer required. There is no reason to disbelieve the testimony of Tembe which is supported with the documents on the record. In the result I record my findings on the points accordingly and pass the following order :

ORDER

The activities of the National Defence Academy, Khadakvasla, Pune do not constitute to be that of an industry under the Industrial Disputes Act of 1947.

The action of the management of National Defence Academy, Pune in terminating the services of S/Shri Sikandar Popat Shaikh, Vilas Harishchandra Sutar, Navnath Kivale, Dilip Tukaram Dagde and Ashok Dinkar Kavde is legal and justified.

S. B. PANSE, Presiding Officer